

Children and Young People  
(Jersey) Law 2022  
Statutory Guidance

R.7/2024

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# Foreword

By Deputy I. Gardiner, Minister for Children and Education

The Independent Jersey Care Inquiry showed us what happens to children and young people when systems fail. We learned that children had not been protected from harm and had not been listened to or believed when they gathered the courage to describe what had happened to them. I am committed to learning the lessons from the past and building better futures for all our children and young people in Jersey.

The new Children and Young People (Jersey) Law 2022 sets out a legislative framework to make sure that all those who work with children and young people understand their key roles and responsibilities. The accompanying statutory guidance serves as a resource for everyone who works with or provides services to children, young people, and their families.

It sets out further details for those who are required to act because of having those roles and responsibilities. It also provides clarity regarding roles and responsibilities to support the delivery of a consistent and considered service to children and young people, coordinated across agencies.

Central to the new law and this guidance is the belief that we all must play our part in promoting and supporting the wellbeing -and safeguarding the welfare - of children and young people in Jersey. All children and young people should grow up in a safe and nurturing environment, surrounded by adults who love and support them. This will enable children to thrive and develop their potential, including children who receive support from outside their family.

I look forward to how these duties will find expression in our future work together, whether that be in how we engage children and families to plan support for a child's wellbeing, or how public authorities meet the challenge of Corporate Parenting and support some of the most vulnerable young people in our community.

As a named Responsible Minister under the new law, I will play my part to listen and talk to children to understand their how we can do better. The revised Children and Young People's Plan will be published in 2024 and will represent a call to action to improve all children's outcomes.

I would like to thank everyone who has contributed to this significant piece of work. It will enable us to move forward with a shared aim and a common language to have a direct positive impact on the lives of our children and young people.



# About this guidance

1. This statutory guidance has been produced as a requirement of the Children and Young People (Jersey) Law 2022. Its aim is to support practitioners and partners in Jersey working with - and for - children and young people to understand our roles and responsibilities under this Law.
2. The overriding objective of the Law is to promote and support the wellbeing and safeguard the welfare of children and young people. This guidance sets out how this objective should be met by all those who have duties under this Law.
3. The principles that underpin effective joint working to promote the wellbeing and safeguard the welfare of children and young people are:

**Child-centred      Collaboration      Communication      Coordination      Consistency**

4. This guidance also outlines the arrangements that enable us to identify and respond to different presentations of need at any point in a child's life:
  - ☒ Wellbeing need
  - ☒ Health or development need
  - ☒ Safeguarding need
5. Sharing the right information with the right people at the right time underpins the response to need. The guidance will support us, as practitioners and partners, to be confident in our decision making to share or not to share information.
6. This guidance also supports the range of measures designed to improve the outcomes of looked after children and care leavers. It outlines the responsibilities of corporate parents, social workers, personal advisors, independent reviewing officers and the Virtual School Head.
7. Finally, this guidance outlines the process around reviewing child deaths.
8. At its core, this guidance is about our relationship with children, young people and their families, and our role in supporting them – on both an individual and a collective basis.

# Who should read this document?

9. There are several defined statutory groups that must have regard to this guidance in order to fulfil their responsibilities in the Law. The responsibilities of these groups (and the responsibilities delegated to individuals within these groups) are referenced explicitly throughout the guidance and set out in [Roles and Responsibilities](#). These groups are:

[Responsible Ministers](#)

[Corporate parents](#)

[Safeguarding partners](#)

[Relevant providers](#)

10. Your agency's function and / or your professional role may mean that you are included within multiple groups. In this case, you will need to read and understand the guidance applicable to each relevant group.
11. For example, schools are both corporate parents and relevant providers, while the Chief Officer of the States of Jersey Police Force is a safeguarding partner and has corporate parenting responsibilities.

## **I am an individual who represents an agency with responsibilities under the Law:**

12. Once you have understood the role of your agency, you should ensure that relevant colleagues within your agency understand which aspects of the guidance they should read as part of their professional role.

## **I am an individual who provides services for children and young people, or related services, in my professional role:**

13. Your job description and/or senior leadership within your agency or organisation should make clear your role and responsibilities as they consider their response to the new legal requirements.
14. With this understanding, you will need to read and understand the guidance relevant to your individual practice. For example if you are asked as a practitioner (e.g. a teacher) to undertake wellbeing assessments, you will need to read the [Working Together in Jersey](#) and [Information Sharing Guidance](#).

# How to read this guidance

15. In this guidance, the terms 'you must', 'you may' and 'you should' are used in the following ways:

- ∄ **'You must'** is used where a duty is imposed by Law, or where otherwise mandatory action must be taken.
- ∄ **'You may'** is used where the exercise of a legal function or power is permitted, or where otherwise discretionary action can be taken.
- ∄ **'You should'** is used to denote suggested best practice for fulfilling a duty.

## 1. Working Together in Jersey

### Who should read this guidance

16. You must read and have regard to this guidance if you fall within the following groups:



17. These groups are named in the Law and an explanation of which individuals and agencies are included in each group can be found in the [Glossary](#).

## What this guidance covers

18. It is essential that those in elected roles, professionals, and practitioners work together effectively when promoting the wellbeing and safeguarding the welfare of children and young people.

19. Arrangements to promote wellbeing and safeguard welfare are most effective when you are united around a shared vision - this means being clear about what is individually required of you and how you should work together with others.

20. This guidance provides a framework for best practice to assist practitioners who are working together to promote and support the wellbeing - and safeguard the welfare of - children and young people.<sup>1</sup> This includes guidance on responding to emerging and identified wellbeing needs.<sup>2</sup>

21. The guidance is structured as follows:

- ∅ A shared vision for working together
- ∅ Additional Governing responsibilities under the Law
- ∅ Understanding levels of need
- ∅ Responding to need
  - Identifying need
  - Assessing need
  - Provision of targeted support
- ∅ Safeguarding the welfare of children and young people
- ∅ Engagement with children and young people
- ∅ Strategies for common pressures

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<sup>1</sup> [Article 2: Overriding Objective of the Law](#)

[Article 4: Co-operation to Promote Wellbeing](#)

<sup>2</sup> [Article 3: Wellbeing Assessments and Indicators](#)

[Article 5: Arrangements to Safeguard the Welfare of Children and Young People](#)

[Article 23: Guidance on Wellbeing Plans](#)

- ☒ Scrutiny and accountability
- ☒ Quality assurance and continuous improvement

### Key documents relevant to this section

The following documents (including guidance, legislation and frameworks) are referenced and linked in this section and should be read alongside this guidance where relevant:

- [Discrimination \(Jersey\) Law 2013](#)
- Government of Jersey, [Capacity and Self Determination \(Jersey\) 2016 Code of Practice](#)
- Jersey's Children First [\(Guidance for Practitioners\)](#)
- Safeguarding Partnership Board, [Child Safeguarding Practice Review](#)
- Safeguarding Partnership Board, [Continuum of Need guidance](#)
- Government of Jersey, [Participation Standards for Children and Young People](#)
- Safeguarding Partnership Board, [Resolving professional differences / Escalation policy](#)
- Safeguarding Partnership Board, [Safeguarding Child Protection Procedures](#)
- Safeguarding Partnership Board, [Safeguarding Supervision](#)

## A shared vision for working together

22. All practitioners working with children and young people should be committed to, and united in, a shared vision: for every child to live a happy and healthy life in a supportive environment, surrounded by adults who actively promote their wellbeing and act to safeguard their welfare.
23. To achieve this shared vision, you should be committed to playing your part in implementing and delivering effective multi-agency arrangements to promote the wellbeing and safeguard the welfare of children and young people.
24. [Jersey's Children First](#) is the overarching framework which sets out how you should work together to ensure children, young people and their families can access the right help at the right time from the right services. It envisions a seamless multi-agency approach so that resources, information and support move with the child as they grow and develop. At the heart of Jersey's Children First is a commitment to early intervention and prevention for children which is coordinated around children and families when needed. Early intervention is not just for very young children but at any time during childhood and adolescence, as problems may emerge at any point.

25. A number of international and European law conventions on human rights are relevant to law and practice in this area, and compliance with them must be at the heart of practice. Key amongst these are the United Nations Convention on the Rights of the Child (UNCRC) and the European Convention on Human Rights (ECHR). Jersey is a State Party to the UNCRC and, as such, is required under international law to ensure and respect the rights contained in the UNCRC for all children. The ECHR, which forms part of the domestic law of Jersey by operation of the Human Rights (Jersey) Law 2000, guarantees fundamental rights to children, young people and adults alike. Unlike with the UNCRC, interferences with rights guaranteed under the ECHR can be directly enforced in the Jersey courts. The UNCRC and ECHR will feature throughout this guidance and all those for whom this guidance will be relevant are encouraged to understand, or seek further guidance, as to the relevance of the Conventions to their work and the statutory duties upon them.

### Working Together Principles

26. You should apply these principles when working together to promote the wellbeing and safeguard the welfare of children and young people.

### ***A child-centred approach***

- The best interests of the child or young person must be a primary consideration when discharging your functions under this Law. You should be trained in Jersey's Children First practice framework and work together effectively to ensure that children, young people and their families can access the right help at the right time and from the right service.

### ***Collaboration***

- No one individual, partner or provider holds the full picture of a child or young person's needs. You should work collaboratively with other practitioners, corporate parents, responsible Ministers, safeguarding partners and relevant providers to ensure that a holistic approach is taken to promote wellbeing and safeguard welfare.

### ***Communication***

- Clear and reliable channels of communication are fundamental to working together. Your

communication with other practitioners, corporate parents, responsible Ministers, safeguarding partners and relevant providers should be timely, complete and constructive. Your communication with children, young people and their families should be clear.

### **Coordination**

- You should ensure that arrangements to promote wellbeing and safeguard welfare are coordinated in line with Jersey's Children First practice framework. This will enable a joined-up offer of support.

### **Consistency**

- You should be clear and consistent when using language and terminology to avoid misunderstandings. Monitoring standards across services will ensure that practice is consistent and high quality.

## **Additional governing responsibilities of corporate parents, responsible Ministers, safeguarding partners and relevant providers under the Law**

### **Key Points**

- The responsibilities outlined in this section are central to effectively promoting the wellbeing and safeguarding the welfare of children and young people
- These responsibilities should inform and underpin all other duties and functions under the Law

27. If you are a corporate parent, responsible Minister, safeguarding partner or relevant provider, there are five responsibilities which you must fulfil at all times when discharging your functions under the Law.<sup>3</sup>

### **You must have regard to the overriding objective of the Law**

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<sup>3</sup> [Article 2: Overriding Objective of the Law](#)

28. The overriding objective of the Law is to promote and support the wellbeing and safeguard the welfare of children and young people.

29. You should be familiar with the overriding objective of the Law, and acknowledge your responsibility to have regard to promoting and supporting the wellbeing and safeguarding the welfare of children and young people within your role. This includes promoting their health and development.

**You must take all appropriate measures to ensure that children and young people are protected against all forms of unlawful discrimination**

30. Article 2 of the UNCRC requires State Parties to respect and ensure the rights contained in the UNCRC for each child within their jurisdiction, without discrimination.

31. The following characteristics are protected from discrimination under the [Discrimination \(Jersey\) Law 2013](#):

- Race
- Sex
- Sexual orientation
- Gender reassignment
- Pregnancy and maternity
- Age
- Disability

32. You must take all reasonable steps in your role to ensure that children and young people are protected against all forms of unlawful discrimination. Training and supervision are an important part of ensuring that staff at all levels are able to fulfil this requirement. For example:

☞ If you have responsibility for coordinating training, you should ensure that practitioners at all levels receive regular and up-to-date training to identify, respond to and prevent unlawful discrimination. For instance, training could consider cultural competence and unconscious bias among other areas.

☞ If you have supervision or line management responsibilities, you should assist those you supervise to develop competency (knowledge, skills, attitudes and values) and confidence in complying with Jersey's discrimination law.

- ∅ If you work with children and young people, you should attend relevant training on discrimination to be confident enough to assist children and young people who require specialist assistance.

33. You should be aware of the damaging impact of multiple discrimination. This is where a child faces discrimination on more than one basis.

### **You must have the best interests of children and young people as a primary consideration**

34. This means, when carrying out your functions under the Law, you should assess the impact that each action or decision will have on children and young people, and whether it is in their best interests.

35. You should determine a child or young person's best interests in each case, in light of the specific circumstances of each child, or group of children or children in general. You should facilitate the participation of children and young people in this process. See ['Engagement with Children and Young People'](#).

36. Children have less ability than adults to make a strong case for their own interests so you must be able to determine their best interests if they cannot voice them themselves.

37. Your views, the views of the child, and those of their parents will not always align, however it is important to gain, respect and record all three.

38. The best interests of a child or young person are a primary consideration. You might take the following elements into account when determining a child or young person's best interests, or the best interests of a group of children or children in general, in each case:<sup>4</sup>

- ∅ The child's views
- ∅ The child's identity
- ∅ Preservation of the family environment and maintaining relations
- ∅ Care, protection and safety of the child
- ∅ Situation of vulnerability
- ∅ The child's right to health

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<sup>4</sup> Committee on the Rights of the Child, [General Comment 14](#)

## ☞ The child's right to education

Not all of these elements will be relevant to every case, and different elements can be used in different ways in different cases. The content of each element will necessarily vary from child to child and from case to case.<sup>4</sup>

39. If you are not clear on what course of action is in a child or young person's best interests or are uncertain about how to weigh best interests against other primary considerations when making a decision, you should seek advice from colleagues and other practitioners, relevant providers involved with the child or young person, and the practice guidance.

### **You must have regard to the views of children and young people on all matters affecting them, with due allowance being made for age and maturity**

40. Making due allowance for a child or young person's age and maturity means using your professional judgement to determine how their age and maturity affects the weight their views are given in each case.
41. You should ensure that children and young people are kept informed and you should communicate all outcomes and decisions in language and/or other communication methods that are appropriate for their level of understanding.
42. For example, if a child struggles with verbal communication, you should pursue alternative methods of communication, including obtaining specialist support where necessary.
43. See '[Engagement with Children and Young People](#)' for further guidance.

### **You must promote the health and development of children and young people**

44. The Law states that health means physical or mental health, and that development includes behavioural, emotional, intellectual, mental, moral, physical, spiritual, and social development.
45. Within this definition, you may consider more specific dimensions of health and development, for example, neurological development.
46. The health and development of a child or young person should not be understood as a

static measure. Rather, the health and development of a child or young person is always changing and can be affected by a multiplicity of factors. It is dynamic and should be assessed in the context of their life trajectory.

### **This is what children and young people said about services working together<sup>5</sup>**

Q: Is there anything else you think would help services work together better?

This is what children and young people said<sup>5</sup>:

- Regular communication between services is key
- Children and young people shouldn't be kept out of discussions that relate to them - they should feel in control
- Children and young people's views should be recorded accurately
- Ensure services meet the needs of neurodivergent children and young people
- Practitioners should demonstrate empathy, lived experience is very valuable
- Promoting self-esteem is important

## **Understanding levels of need**

### **Key Points**

- The [eight indicators of wellbeing](#) are the basic requirements for all children to grow and develop and reach their full potential
- Intervening early is better than reacting to a need once it has escalated or become entrenched and is in the child's best interests
- The Continuum of Need is the agreed tool which can assist you to identify and respond to different levels of need, whenever they occur in a child or young person's life

### What is wellbeing?

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<sup>5</sup> Summary of responses to young people's consultation on statutory guidance for Children and Young People (Jersey) Law 2022



47. The wellbeing of children and young people is understood in relation to eight areas. These [eight indicators of wellbeing](#) are the basic requirements for all children to grow and develop and reach their full potential.

<b>Safe</b>	<b>Healthy</b>	<b>Achieving</b>	<b>Nurtured</b>
<b>Active</b>	<b>Respected</b>	<b>Responsible</b>	<b>Included</b>

48. Children will progress differently, depending on their circumstances, but every child and young person has the right to expect appropriate support from adults to allow them to develop as fully as possible across each of the wellbeing indicators.<sup>6</sup>

49. If you are a responsible Minister, you have a duty under the Law to make such arrangements as you consider appropriate to promote cooperation between responsible Ministers and relevant providers with a view to promoting the wellbeing of children and young people by reference to the eight wellbeing indicators stated above.<sup>7</sup>

50. The support a child or young person may need will differ depending on a number of factors including their age, their personal characteristics, the complexity of their need, any additional needs or disabilities including neurodiversity, their life stage and life circumstances (for example, transitional safeguarding) and risks to their safety (for example, contextual safeguarding).

51. A child or young person’s wellbeing might be affected by factors both within and outside their home environment. This includes risk online and in the public sphere - for example, at school or in the community. Risk factors linked to socio-economic status, such as low family income or inadequate housing, may also affect a child or young person’s wellbeing. Conversations with colleagues, children and young people and their families will contribute to an understanding of risk in each case. This understanding should be used to inform any assessment of wellbeing and subsequent planning.

52. Listening and giving weight to the voice of a child or young person is central to an understanding of their wellbeing. Taking account of the child or young person’s own perspective of their wellbeing is considered best practice.

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<sup>6</sup> Government of Jersey, [‘Putting Jersey’s Children First into Practice’; Wellbeing Indicators](#)

<sup>7</sup> [Article 4: Cooperation to promote wellbeing](#)

### The importance of early intervention

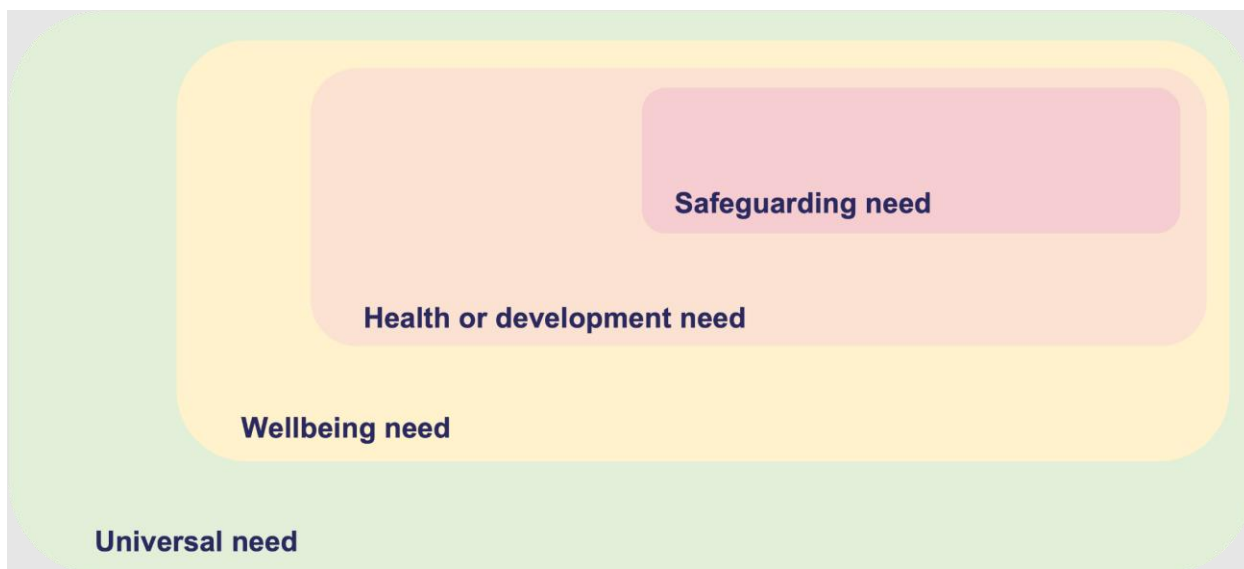
53. Early intervention is an essential part of promoting the wellbeing and safeguarding the welfare of children and young people.
54. Early intervention means providing support as soon as a problem or need emerges, at any point in a child or young person's life. Intervening early is more effective than reacting later, once a problem has become entrenched or has reached crisis point.
55. Where there is a foreseen need - that is, where you are able to anticipate a likely outcome from an existing set of facts - early intervention could also mean acting to prevent further problems from emerging. For example, support could be provided where it is known that a child's parent is likely to receive a custodial sentence, or in families where there are emerging parental mental health issues, or drug and alcohol misuse.

### The Continuum of Need

56. The needs of children and young people change over time.
57. The Continuum of Need is a shared tool for all practitioners who work with children, young people or their families which can assist you to identify and respond to children and young people's needs at the level of support and intervention required. This means being responsive to changing levels of need and providing or seeking the right service support at the right time.<sup>8</sup>
58. The eight wellbeing indicators (safe, healthy, achieving, nurtured, active, respected, responsible and included) should be used to structure assessments across all levels of need. This approach will ensure that assessments at different levels of need are compatible and will allow relevant information to be shared more easily.
59. The Safeguarding Partnership Board has issued guidance to assist you with the application of the Continuum of Need framework in Jersey. This guidance can be viewed [here](#).
60. You should be aware of the different levels of need for children and young people:

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<sup>8</sup> Safeguarding Partnership Board, [Continuum of Need guidance](#); Safeguarding Partnership Board, [Policies & Strategies](#)



Level of need	Presentation	Response
<b>Universal Need</b>	Children who require no additional support beyond that which is universally available.	No additional support is required.
<b>Wellbeing Need</b>	Children or young people whose wellbeing is, or is at risk of being, adversely affected by any matter.	<p>If a wellbeing need is identified, a wellbeing assessment can be requested.</p> <p>Children with emerging needs are best supported by those who already work with them, such as health visitors, youth services, early years settings and schools, community and voluntary sector services and family support services.</p> <p>Single-agency or multi-agency support should be coordinated as needed and in line with Jersey's Children First Guidance.</p>

		This level of need is equivalent to <b>'Early Help'</b> .
<b>Health or Development Need</b>	<p>Children with considerable or complex needs.</p> <p>A child has a health or development need if any of the following apply:</p> <ul style="list-style-type: none"> <li>• They are unlikely to achieve or maintain, or to have the opportunity to achieve or maintain, a reasonable level of health or development without the provision of service support;</li> <li>• Their health or development is likely to be significantly impaired, or further impaired, without the provision to that child of those services;</li> <li>• Their disability or the disability of any other person living with the child is adversely affecting the child's health or development; or</li> <li>• They are an in-patient at a hospital or an approved establishment for the purpose of receiving treatment in respect of the child's mental health.</li> </ul>	<p>If a health or development need is identified, a wellbeing assessment <i>must</i> be made.</p> <p>At this higher level of need, a social worker, paediatrician or practitioner from Child and Adolescent Mental Health Services (CAMHS) is best placed to carry out a wellbeing assessment.</p> <p>This level of need is equivalent to <b>'Child in Need'</b>.</p>
<b>Safeguarding Need</b>	<p>Children with acute or significant needs, where there is reasonable cause to suspect that the child is suffering, or is likely to suffer, significant harm.</p> <p>These children require timely statutory and / or specialist intervention to safeguard their welfare.</p>	<p>If a safeguarding need is identified, enquiries must be made by a social worker to determine whether and what action is required to safeguard the child's welfare.<sup>9</sup></p> <p>This level of need is equivalent to <b>'Child Protection.'</b></p>

<sup>9</sup> See Article 42: Minister's Duty to Investigate, Children (Jersey) Law 2002

		Specialist or statutory intervention includes the Children’s Service - including the Children’s Social Work Service and the Child and Adolescent Mental Health Service (CAMHS) Tier 4.
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## Responding to need

61. This section of guidance outlines your statutory responsibilities, as well as best practice, when:

- ☒ Identifying need;
- ☒ Assessing need; and
- ☒ Providing targeted support for children and young people.

## Identifying need

### Key Points

- Identifying need is the first critical step to addressing that need
- A shared understanding between professionals of the presentation of need in children and young people will improve accurate and timely identification

62. With reference to the Continuum of Need (see [Understanding levels of need](#)), responsible Ministers and relevant providers should make arrangements to facilitate the identification of emerging or existing needs of children and young people.

63. If you are a practitioner who works with children, young people or their families, you should be confident in your ability to identify a potential wellbeing or health or development need, however it presents for a child or young person. This includes knowing how to respond if a child or young person expresses that they have a need.

64. However, you should not rely solely on a child or young person disclosing a need verbally, and should be aware that a child or young person’s behaviour might be an indicator that something is wrong.

65. When you identify that a child or young person has a need, you should follow operational procedures for recording that need. You should explain to the child or young person the next steps you need to take in an easy to understand way, taking into account their age and level of maturity. Transparency around next steps will ensure that the child or young person feels cared for, listened to and supported during the process. If you need to share their information with another individual, practitioner or relevant service provider, you must act in accordance with applicable data protection and information sharing laws and principles. (See [Guidance on Information Sharing](#)).

66. You should be clear on what you should do once a potential need has been identified (see [‘Assessing Need’](#)).

### **Understanding the presentation of need**

67. A wellbeing, or health or development need could emerge at any point in a child or young person’s life and may present in a variety of ways, depending on the life circumstances, environment and experiences of that child or young person.

68. You should follow the [‘Working Together Principles’](#) when cooperating with other responsible Ministers and relevant providers to identify needs. This approach will help to establish a collective and improved understanding of how need presents for children and young people.

### **Child-centred      Collaboration      Communication      Coordination      Consistency**

69. For example, multi-agency forums (involving responsible Ministers and relevant providers) might provide a useful platform for you or your team to share and reflect on the current and emerging needs of your service user cohort.

70. Multi-agency forums, as well as regular multi-agency training to promote continuous learning and improvement, are important to ensure a collective and up-to-date understanding of the service landscape and the presentation of need, and to facilitate a coordinated response.

71. Training should assist you to identify and respond to new and emerging wellbeing and safeguarding concerns: for example, Foetal Alcohol Spectrum Disorders (FASD), radicalisation, online abuse, sexual exploitation and grooming.

72. Training should equip you to identify needs however they present, and should promote cultural competence and awareness of diverse needs to ensure non-discrimination. It is essential that all appropriate measures are taken to ensure that children and young people are protected against all forms of unlawful discrimination. For example, a communication difficulty or language barrier should never be a reason why a child is not assessed or referred for support.

73. You should be particularly alert to the potential need for a wellbeing assessment for children or young people who have experienced Adverse Childhood Experiences (ACEs).<sup>10</sup> A child or young person will have a history of ACEs if they are a victim of abuse (physical, sexual and/or emotional) or neglect (physical and emotional) and / or if they:<sup>11</sup>

- ☒ are disabled and have specific additional needs
- ☒ have special educational needs
- ☒ are young carers
- ☒ are showing signs of being drawn into antisocial or criminal behaviour, including gang involvement and association with organised crime groups
- ☒ are frequently missing/going missing from care or from home
- ☒ are identified as being at risk of modern slavery, trafficking or exploitation
- ☒ are identified as being at risk of being radicalised or exploited
- ☒ are in a family circumstance presenting challenges for them, for instance involving drug and alcohol misuse, adult mental health issues or domestic abuse
- ☒ are misusing drugs or alcohol themselves
- ☒ have returned home to their family from care
- ☒ are privately fostered
- ☒ have a parent/carer in custody

74. This is not an exhaustive list. You should be aware of emerging and evolving types of needs affecting children and young people and the potential impact of socio-economic risk factors such as inadequate housing and low family income.

## Assessing need

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<sup>10</sup> Safeguarding Partnership Board, [Adverse Childhood Experiences \(ACEs\)](#)

<sup>11</sup> [Working Together to Safeguard Children](#), July 2018

## Key Points

- Wellbeing assessments for children with a wellbeing need are carried out by the relevant provider that is best known to the child
- Wellbeing assessments for children with a health or development need are carried out by a social worker, paediatrician or practitioner from Child and Adolescent Mental Health Services (CAMHS)
- The eight indicators of wellbeing are used to structure assessments for wellbeing, health or development needs to ensure consistency and to facilitate information sharing
- The voice of the child is central to an assessment of their wellbeing
- A good quality wellbeing assessment:
  - is child-centred
  - is holistic
  - is non-duplicative and timely
  - involves parents and families
  - considers next steps
  - is accessible and transparent
  - is accountable

75. This section outlines the wellbeing assessment process for:

- ☒ Children with wellbeing needs
- ☒ Children with health or development needs

**76. This section applies to children who do not have a looked after child status.**

For guidance on wellbeing assessments for looked after children and care leavers, please see [Guidance on Looked After Children and Care Leavers](#).

## Wellbeing Assessments for children with a wellbeing need<sup>12</sup>

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<sup>12</sup> [Article 17: Wellbeing assessment and plan for a child with a wellbeing need](#)





#### Requesting a wellbeing assessment for a wellbeing need

77. In the Law, a child has a wellbeing need if their wellbeing is, or is at risk of being, adversely affected by any matter. The purpose of a wellbeing assessment at this level is to confirm whether a child has a wellbeing need and to enable an appropriate response to address any identified needs.
78. In current practice, wellbeing assessments for children with a wellbeing need are referred to as early help wellbeing assessments.
79. Wellbeing assessments should be carried out wherever possible by the relevant provider that is best known to the child. This facilitates open engagement with the child and their parents and ensures that the best interests of the child are well understood and embedded in decision making.
80. If it appears to you that a child has a wellbeing need and you are the provider that is best known to the child concerned, it is your responsibility to undertake a wellbeing assessment.
81. If you are a relevant provider known to the child concerned and it appears to you that the child has a wellbeing need, you may request the relevant provider that is best known to the child to carry out a wellbeing assessment. Refer to the practice guidance if you are unsure.

82. You should follow current practice guidance to assist you to determine whether a wellbeing assessment is needed in each case. Jersey's Children First advises practitioners to ask themselves the [Five Questions](#) to determine whether or not an assessment should be carried out or requested.
83. A child or their parents can also request a wellbeing assessment if it appears to them that their child has a wellbeing need. You should be aware of this option and should provide advice and support to assist children or their parents to decide whether they should make a request for an assessment. You may refer children or their parents to the Children and Families Hub for further support or information.
84. A relevant provider may refuse a request to carry out a wellbeing assessment at this level of need if they can show a good reason not to make the assessment. Reasons to refuse to carry out a wellbeing assessment may include where unreasonable or inappropriate requests are made.
85. If you have a good reason not to carry out a wellbeing assessment but there is a need for one, you should discuss with the family who else may be able to carry out the wellbeing assessment from the practitioners currently supporting the child and family. If no relevant provider can be identified, you should submit a request for support to the Children and Families Hub.
86. If you require advice when determining whether you should carry out or request a wellbeing assessment, you can contact the Children and Families Hub for support.
87. Any complaints that relate to the process for requesting an assessment may be dealt with under the procedure for complaints in the Law - see the [Customer Feedback Policy](#).<sup>13</sup> For example, if a request for a wellbeing assessment has been refused but the person who requested the wellbeing assessment does not believe that the relevant provider has shown a good reason not to make the assessment, they may use the complaints procedure to resolve the complaint.

#### Carrying out a wellbeing assessment for a wellbeing need

88. A wellbeing assessment to assess a wellbeing need should be undertaken with the

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<sup>13</sup> [Article 45: Procedure for Complaints](#)

agreement of the child and their parents, and should be completed with the child and their family, as well as the practitioners working with them.

89. A wellbeing assessment is used to assess whether the wellbeing of the child is being, or would be:

- ☒ Promoted;
- ☒ Safeguarded;
- ☒ Supported; or
- ☒ Affected.

90. If you are responsible for carrying out a wellbeing assessment to assess a wellbeing need, you should use the [eight wellbeing indicators](#) to structure your assessment.<sup>14</sup>

<b>Safe</b>	<b>Healthy</b>	<b>Achieving</b>	<b>Nurtured</b>
<b>Active</b>	<b>Respected</b>	<b>Responsible</b>	<b>Included</b>

91. These eight indicators are designed to capture the key components of wellbeing through both an objective and subjective lens, and to support identification of all the factors in the child’s life which may be affecting their wellbeing.

92. Assessing need in relation to each of the wellbeing indicators will ensure a holistic picture of wellbeing, and identify needs that only become apparent from accumulated information.

93. The voice of the child is central to an assessment of their wellbeing. As part of your assessment, you should seek to capture the child’s lived experience in their own words wherever possible. (See [Engagement with Children and Young People](#)). The views of the child, their family and the practitioners working with them may differ from each other and your assessment should take account of all views.

94. You should use resources from current practice guidance to assist you when making a wellbeing assessment. For example, you might use the [‘My World Triangle’](#) resource and the [‘A Day in My Life’](#) tool to consider the needs and wellbeing of the child from their perspective, or start a [chronology](#) to facilitate the effective sharing of information should

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<sup>14</sup> [Article 3: Wellbeing assessment and indicators](#)

the need arise.

95. A [chronology](#) provides a key link in the chain of understanding needs / risks, including the need for protection from harm. A chronology is a logical, methodical and systematic means of organising, merging and helping make sense of information. It also helps to highlight gaps and omitted details that require further exploration and assessment. Making a chronology will keep the child at the centre of your thinking when trying to make sense of the life events that are both important and impact on them. A good chronology is a vital tool to assist reflection, analysis, decision making, planning and support in the lives of children and families.<sup>15</sup>

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<sup>15</sup> Children First Guidance for Practitioners, [The Child's Chronology of Significant Events](#)

## Eight Wellbeing Indicators



96. When completing a wellbeing assessment for a wellbeing need, you should consider the child's age, stage of development and the context of their life with their parents, wider family and community to identify areas of strength, any wellbeing needs, and any action that may be appropriate to help meet the needs identified and improve wellbeing.

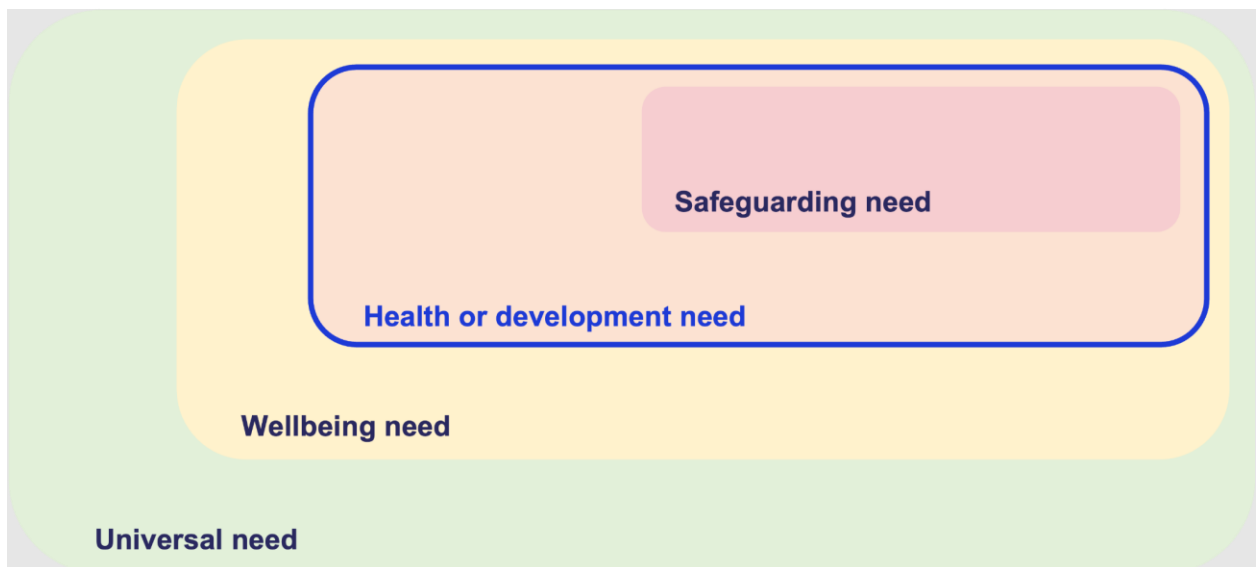
97. You should be consistent in your use of the eight wellbeing indicators to assess wellbeing. Consistent application of the eight wellbeing indicators will enable a child's progress to be monitored effectively and will facilitate information sharing under clear and universally understood headings.

98. The Law states that a probation officer's assessment of a child carried out in connection

with a parish hall inquiry into an allegation that an offence has been committed by that child is relevant material to be taken into account for the purposes of a wellbeing assessment.

99. Any previous wellbeing assessments, or other relevant assessments or records made for that child may also be relevant material to consider for the purposes of a wellbeing assessment. You should seek out information appropriately from other providers who are supporting the child or young person to inform the assessment. For example, if a child has been assessed by a Speech and Language Therapist you should request the Therapist's views to inform the wellbeing assessment.

### Wellbeing Assessments for children with a health or development need<sup>16</sup>



100. If a child has a health or development need, the Minister must cause a wellbeing assessment to be made of that child's health or development.
101. In most cases, this would mean an assessment will be carried out by a social worker on behalf of the Minister.
102. A health or development need is a higher level of need than a wellbeing need, and refers to children with considerable or complex needs.

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<sup>16</sup> [Article 13: Children with a health or development need](#)

103. In the Law, a child has a health or development need if any of the following apply:

- ∅ They are unlikely to achieve or maintain (or to have the opportunity to achieve or maintain) a reasonable level of health or development without the provision of service support;
- ∅ Their health or development is likely to be significantly impaired (or further impaired) without the provision to that child of those services;
- ∅ Their disability or the disability of any other person living with the child is adversely affecting the child’s health or development;
- ∅ They are an in-patient at a hospital or an approved establishment for the purpose of receiving treatment in respect of the child’s mental health.

104. At this higher level of need, a wellbeing assessment will always be carried out by a social worker, paediatrician or practitioner from Child and Adolescent Mental Health Services (CAMHS).

105. If you are carrying out a wellbeing assessment for a child with a health or development need, you should use the [eight wellbeing indicators](#) to structure your assessment. However, you should be aware that a more comprehensive assessment against the eight wellbeing indicators is likely to be required to reflect the more complex nature of need. This might include the use of different tools or resources to assess need.

<b>Safe</b>	<b>Healthy</b>	<b>Achieving</b>	<b>Nurtured</b>
<b>Active</b>	<b>Respected</b>	<b>Responsible</b>	<b>Included</b>

106. Using the eight wellbeing indicators to structure assessments at this higher level of need will enable information from previous assessments to be shared more easily across thresholds of need. This will therefore minimise the risk of duplicate assessments.

107. The Law states that a probation officer’s assessment of a child carried out in connection with a parish hall inquiry into an allegation that an offence has been committed by that child is relevant material to be taken into account for the purposes of a wellbeing assessment.

108. Any previous wellbeing assessments, or other relevant assessments or records, made for that child may also be relevant material to take into account for the purposes of a wellbeing assessment. You should seek out information appropriately from other providers who are supporting the child to inform the assessment. For example, if a child has been assessed by a Speech and Language Therapist you should request the Therapist's views to inform the wellbeing assessment.

109. The voice of the child is central to an assessment of their health or development. As part of your assessment, you should seek to capture the child's lived experience in their words wherever possible. (See [Engagement with Children and Young People](#)). The views of the child, their family and the practitioners working with them may differ from each other and your assessment should take account of all views.

### Good quality wellbeing assessments

110. A good quality wellbeing assessment for wellbeing needs, or health or development needs:

- **is child-centred:** the child's voice and perspective should be central to an assessment of their wellbeing. Tools such as the '[My World Triangle](#)' can support you to consider the child's needs from their perspective
- **is holistic:** you should explore a child's wellbeing needs across the eight indicators of wellbeing
- **is non-duplicative and timely:** duplicative assessments are likely to cause unnecessary stress for the child and family concerned. Your assessment should build on, rather than repeat, any previous assessments done for that child. A delay in carrying out an assessment may lead to an escalation of need without support
- **involves parents and families:** assessments should draw together information and insight held by the child's parents / carers and family where appropriate, as well as involved services and agencies
- **considers next steps:** assessments should consider next steps and note any support or targeted intervention that may be required to address identified wellbeing needs



- **is accessible and transparent:** you should ensure that the child and their parents / carers feel engaged in and empowered by the assessment process. You should communicate the findings of the assessment in an accessible way to ensure that the process is transparent, keeping in mind the age and maturity of the child
- **is accountable:** your assessment should be open to comment and complaint from the child and their parents before any further action is taken. Professional scrutiny and review should be practised to ensure high quality assessments: for example, internal supervision and quality assurance of assessments

## Provision of targeted support

### Key Points

- Where a child has an assessed need, a wellbeing plan can be put in place to facilitate the provision of targeted support
- The Lead Worker plays a critical role in preparing, managing and coordinating a wellbeing plan
- Wellbeing plans are dynamic and collaborative documents. When preparing and reviewing a wellbeing plan you must, in so far as is reasonably practicable, capture and have regard to the views of both the child and their parents. You should take into account the child's age and maturity during this process.

### When is a wellbeing plan needed?<sup>17</sup>

111. A wellbeing plan facilitates the provision of targeted intervention to address and improve a child's assessed wellbeing or health or development need.
112. In current practice, a wellbeing plan for a wellbeing need is called an early help

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<sup>17</sup> See also [Article 23: Guidance on wellbeing plans](#), in relation to this section of guidance

wellbeing plan and a wellbeing plan for a health or development need is called a child in need plan.

### **Wellbeing need<sup>18</sup>**

113. A child is entitled to a wellbeing plan if:
- ∅ a wellbeing assessment confirms that they have a wellbeing need; and
  - ∅ the assessed wellbeing need is not capable of being met (or fully met) through action other than targeted intervention; and
  - ∅ the wellbeing need (or the remainder of the need) is capable of being met (or met to some extent) by one or more targeted interventions; and
  - ∅ the child's parents and a relevant provider that is known to the child agree that a wellbeing plan is required to facilitate the provision of targeted intervention to address that child's wellbeing need.

### **Health or development need<sup>19</sup>**

114. A child is entitled to a wellbeing plan if:
- ∅ a wellbeing assessment confirms that they have a health or development need; and
  - ∅ the child's parents and the Minister (in practice, the social worker, paediatrician or practitioner from Child and Adolescent Mental Health Services (CAMHS)) agree that a wellbeing plan is required to facilitate the provision of targeted intervention to address and improve that child's health or development.

### **Child Protection Plan**

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<sup>18</sup> [Article 17: Wellbeing assessment and plan for a child with a wellbeing need](#)

<sup>19</sup> [Article 18: Wellbeing plan for a child with a health or development need](#)

115. If you are the Lead Worker for a wellbeing plan, you must ensure that the plan reflects the particular circumstances of the child and family it supports. If the child is on the child protection register, they must have a Child Protection Plan.
116. For children on the child protection register, the initial child protection conference will formulate a child protection plan that is designed to:
- keep the child safe from harm and protect them from suffering further harm;
  - promote the child’s health and development;
  - support the immediate family and wider family members to safeguard and promote the welfare of their child, provided it is in the best interests of the child. (Refer to guidance on [Safeguarding the Welfare of Children](#)).

A child with a child protection plan should have their wider wellbeing needs assessed and a plan made which incorporates their protection and wellbeing. You should refer to the tools set out in the practice model.

#### Preparing a wellbeing plan<sup>20</sup>

117. Where a child is entitled to and requires a wellbeing plan the relevant provider who carried out the wellbeing assessment, or the Minister, must appoint a person to prepare a wellbeing plan as soon as is reasonably practicable.
118. Under current Jersey’s Children First practice guidance, the appointed person is known as the **Lead Worker**.<sup>21</sup> The Lead Worker is responsible for preparing, managing and coordinating the wellbeing plan.
119. The Lead Worker may be the same individual who carried out the wellbeing assessment, or a different person.
120. The Lead Worker should be identified in consultation with the child concerned and their parents. The decision can be made by considering the following factors:

☒ **Positive** working relationship with the family

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<sup>20</sup> [Article 20: Preparation of wellbeing plan](#)

<sup>21</sup> Government of Jersey, [Jersey’s Children First Guidance for Practitioners](#)

- ∅ **Involved** in a significant (for example, in terms of duration or intensity) piece of work with the family
  - ∅ **Choice** of the family
121. However, there may be a good reason for the Lead Worker role to be undertaken by a practitioner who is not the first choice of the family. For example, the availability and suitability of the practitioner should be considered.
122. The selection of the Lead Worker should be agreed after taking into account the views of the child and their family, the kind of support that the child needs, the complexity of the wellbeing plan, previous contact and/or relationship with the child or family, and if there are statutory services already engaged.
123. The Lead Worker for a wellbeing plan will always be a social worker, paediatrician or practitioner from Child and Adolescent Mental Health Services (CAMHS) where:
- ∅ the child has a health or development need; or
  - ∅ the child is on the Child Protection Register
124. In preparing a wellbeing plan you must consult and (in so far as is reasonably practicable) ascertain and have regard to the views of the child, their parents and any other practitioners working with them.
125. In line with Jersey's Children First practice model, a 'team around the child and family' meeting should be convened to co-produce the plan with the child and family and the practitioners working with them.
126. When capturing and reflecting the views of the child concerned, you must take account of their age and maturity. See [Engagement with children and young people](#).
127. You should use accessible language and appropriate terminology when writing a wellbeing plan so that, where appropriate, the plan may be read and understood by the child it concerns.

## Content of a wellbeing plan<sup>22</sup>

128. If you are the Lead Worker responsible for preparing, managing and coordinating a wellbeing plan, you must ensure that the plan contains the following information:
- ∅ the child’s assessed wellbeing need or health or development need;
  - ∅ the targeted intervention(s) required to address the child’s identified wellbeing or health or development need.
129. For a child with a disability who has reached the age of 14, you must *also* include that child’s assessed projected long-term wellbeing, health or development needs from the age of 18 up to and including the day before the person’s 25th birthday.
130. In relation to each targeted intervention, the wellbeing plan must set out:
- ∅ the relevant provider that will provide the targeted intervention;
  - ∅ the manner in which the targeted intervention will be provided;
  - ∅ the outcome in relation to the child’s assessed wellbeing, health or development need which the targeted intervention is intended to achieve.
131. You must obtain the agreement of the relevant provider that would provide the targeted intervention, or under whose arrangements the intervention would be provided, *before* including the intervention in the wellbeing plan. This ensures that any planned intervention is feasible, suitable, and proportionate to the assessed need.
132. If a child has educational needs recognised in a Record of Need (RoN), the RoN should be used to inform their wellbeing plan and should be referenced in the plan as a supporting document.
133. You may also include details of the review schedule for the wellbeing plan, consideration of any perceived risks associated with the wellbeing plan, and any other information that you consider relevant such as pre-existing support or interventions.

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<sup>22</sup> [Article 19: Content of wellbeing plan](#)

134. An example of the information recorded for one goal contained in a wellbeing plan is set out below:

<b>Why is this plan needed?</b>	<p>Maggie <sup>23</sup> has been going missing after school over the last month and there are concerns that she and her friends are associating with inappropriate adults. This is causing a high level of conflict with parents who report a breakdown in their relationship with Maggie. Maggie reports poor mental health and is using cannabis to self-medicate. School reports that Maggie is not fully engaged in learning and her academic performance has deteriorated.</p> <p>Maggie’s wellbeing assessment identifies wellbeing needs in relation to the following indicators: safe, healthy, achieving, nurtured.</p>
<b>First Goal</b>	Maggie is able to identify risks and take steps to keep herself safe and has opportunities to socialise with friends in a safe environment.
<b>What needs to happen now? (action)</b>	Maggie will meet weekly with Eve Smith, Youth Worker and they will complete work on keeping safe, healthy relationships and arrange to visit the Youth Project Move on Café with Maggie’s friends.
<b>Who is helping?</b>	Eve Smith, Youth Worker
<b>By when?</b>	30 <sup>th</sup> November (after six sessions with Eve)
<b>How will we know this is working?</b>	Maggie is no longer going missing and lets her parents know where she is going after school. Maggie is attending the Move on Café to socialise with friends. Maggie is communicating to her Youth Worker on what is making a positive difference to her wellbeing.

**This is what children and young people said about being involved in their support plan<sup>24</sup>**

Q: What steps would make it easier for you to be involved in your support plan?

This is what children and young people said<sup>24</sup>:

<sup>23</sup> This scenario does not refer to real people or events

<sup>24</sup> Summary of responses to young people’s consultation on statutory guidance for Children and Young People (Jersey) Law 2022

- Genuine, meaningful inclusion
- Being treated with respect - heard and not talked over
- Support expressing views
- Being invited into meetings and conversations with professionals
- Help understanding terms and processes
- Being taken seriously
- An understanding and celebration of neurodiversity

### Delivery of a wellbeing plan

135. If you are a relevant provider you must, so far as is reasonably practicable and as long as you consider that it would not adversely affect the wellbeing, health or development of the child:

- ∅ Provide, in accordance with the wellbeing plan, any targeted intervention contained in that plan; and
- ∅ Ensure that any targeted intervention which is to be provided by a third party, under arrangements made by you, is provided in accordance with the plan.

### Management and review of a wellbeing plan<sup>25</sup>

#### **Establishing a review schedule**

136. Wellbeing planning must be responsive to a child's changing needs and wellbeing plans must be subject to review. Where relevant, this should be in line with safeguarding processes.

137. If you are the Lead Worker managing a wellbeing plan, you should establish a review format and schedule that works for the child concerned, in consultation with:

- ∅ the child;
- ∅ the child's parents; and

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<sup>25</sup> [Article 22: Review of wellbeing plan](#)

- ☒ the relevant provider(s) of the targeted intervention included in the plan.
138. You should clearly set out the format and schedule of review in the wellbeing plan to ensure transparency and accountability.
139. When establishing the most appropriate format and schedule for review, you should balance your responsibility to ensure that assessed needs, intervention delivery, and outcomes can be effectively monitored with an understanding of the best interests of the child. For example, a review schedule should not be overburdensome or feel invasive to the child.
140. There may be circumstances in which a review of a wellbeing plan is required outside of the review schedule. For example, where the circumstances of the child or their family changes, or where an intervention ceases for any reason.
141. **You must not wait for a scheduled review to raise a safeguarding concern.** If, at any point, you believe that the child is at risk of harm and requires timely intervention in order to keep them safe, you must escalate your concern via the appropriate safeguarding pathway. See guidance on [Safeguarding the Welfare of Children](#).

## Conducting a review

142. In line with Jersey's Children First practice guidance, wellbeing plans to meet wellbeing needs are undertaken in the early help team around the child and family review meeting. Wellbeing plans to address health or development needs are undertaken in the team around the child and family child in need review meeting.
143. When reviewing a wellbeing plan, you must consider the following:
- ☒ Is the assessed wellbeing, health or development need of the child set out in the plan still accurate?
  - ☒ Is each targeted intervention, and the manner of its delivery, still appropriate?
  - ☒ Has the outcome of the plan been achieved?



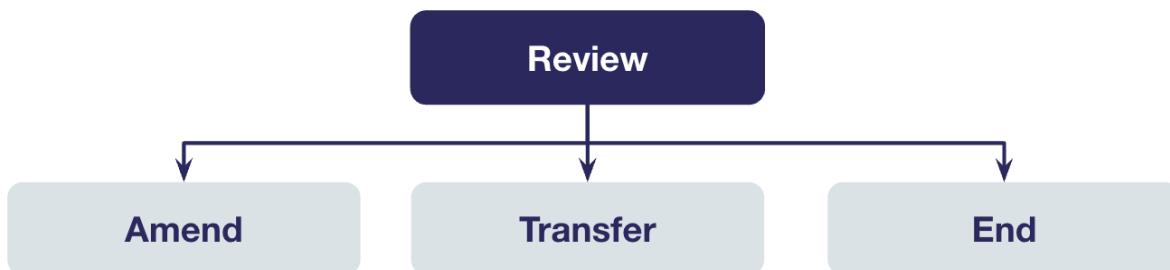
☞ Should the management of the plan transfer to another appointed person?

144. As part of your review, you must seek to capture and reflect the views of the child concerned, the child’s parents, and any other individual that you consider appropriate - for example, a teacher or medical professional involved with the child. When having regard to the views of the child, you must take account of their age and maturity. See [Engagement with children and young people](#).

145. You must also consult with each relevant provider in the wellbeing plan who is delivering, or arranging via a third-party, targeted intervention.

### Action following a review

146. If you are the Lead Worker for a wellbeing plan, there are three possible actions you can take following a review: amend the plan, transfer management of the plan or end the plan.



147. Any action you take as a consequence of a review should be communicated to the child and their parents in a way that is clear and accessible. You should encourage questions and clarifications on decision-making to ensure that the process is transparent, and to maintain a positive relationship with the child and their parents.

### Amending the wellbeing plan

148. Each review is an opportunity for you to amend the plan as necessary to ensure that it remains effective and workable to address the assessed needs of the child concerned.

149. As a consequence of a review, you may amend the wellbeing plan to revise:

- ∅ The wellbeing, development or health need of the child;
  - ∅ With the relevant provider's agreement, the targeted intervention;
  - ∅ The manner in which the targeted intervention is to be provided;
  - ∅ The outcome which the plan is intended to achieve.
150. It is best practice to involve other relevant providers known to the child, who will be part of the 'team around the child', in decision-making around amendments to the wellbeing plan.
151. Following a review, you may also include a new targeted intervention in the wellbeing plan where the review has shown that the child has an unmet wellbeing, health or development need that can be addressed by the provision of additional targeted intervention.
152. In relation to any targeted intervention that is added to the wellbeing plan following a review, you must set out in the plan:
- ∅ The relevant provider that will provide the targeted intervention;
  - ∅ The manner in which the targeted intervention will be provided;
  - ∅ The outcome in relation to the child's assessed wellbeing, health or development need which the targeted intervention is intended to achieve.
153. You must obtain the agreement of the relevant provider that would provide the targeted intervention, or under whose arrangements the intervention would be provided, *before* adding the intervention in the wellbeing plan. This ensures that any planned intervention is feasible, suitable and proportionate to the assessed need.

#### *Transferring management of the wellbeing plan*

154. Following a review of the wellbeing plan, you may transfer the management and coordination of the plan to another Lead Worker.

155. Circumstances in which it may be necessary or appropriate to transfer the management of the plan include:

- ∅ If a child moves to a different school or area;
- ∅ If a child's needs escalate and a social worker is required to manage and coordinate their wellbeing plan;
- ∅ If a child's needs decrease and a social worker is no longer required to manage and coordinate their plan;
- ∅ Where you (the Lead Worker) are no longer able to manage the plan - for example, due to extended illness or relocation.

156. The new Lead Worker should be a relevant provider identified in consultation with the child concerned and their parents. Other relevant providers in the team around the child and family should also be involved in identifying the new Lead Worker.

### *Ending the wellbeing plan*

157. Where a review confirms that the planned outcomes set out in the wellbeing plan have been met, and the child no longer requires the provision of targeted intervention to meet their needs, you - in partnership with the child, their parents and other members of the team around the child - may decide to end the wellbeing plan.

158. You should involve the child and their parents in decision-making around ending the wellbeing plan. Ending structured support can be a difficult and uncertain time and the transition should involve specific support and reassurance.

159. The child will continue to receive the support of universal services, and your role as Lead Worker will end.

### **Keeping, disclosure and destruction of wellbeing plans**

160. Wellbeing plans and accompanying documents should be maintained and kept by the Lead Worker in accordance with Jersey's data protection legislation and guidance.

161. There may be circumstances where it is necessary and appropriate to disclose the

contents of a wellbeing plan. For example, the contents of the wellbeing plan may need to be shared with a relevant provider not named within the plan, due to a safeguarding concern. When sharing information, practitioners should act in accordance with applicable data protection and information sharing law and principles. (See [Guidance on Information Sharing](#)).

162. A wellbeing plan should be destroyed in line with your internal document retention policy, unless there is a reason for keeping it. The Data Protection (Jersey) Law 2018 requires that personal data not be kept for longer than is necessary for the purposes for which it is being processed. A minimum term of 5 years (after the conclusion of any involvement) should be included in your retention schedule to achieve consistency across services. Discussion with the Lead Worker should be included in your decision making process.

## Safeguarding the welfare of children and young people

### Key Points

- Safeguarding the welfare of children and young people is everyone's responsibility
- If you are a safeguarding partner or relevant provider, you must act in accordance with safeguarding arrangements made by safeguarding partners
- The [Safeguarding Child Protection Procedures](#) published by the Safeguarding Partnership Board (children) sets out the policies, procedures and guidance on current arrangements and best practice for safeguarding the welfare of children and young people

[What is safeguarding welfare?](#)



163. Safeguarding the welfare of children and young people is everyone's responsibility.<sup>26</sup>

164. Safeguarding the welfare of children and young people includes:

- Protecting children from maltreatment;
- Preventing impairment of children's health or development;
- Ensuring that children grow up in circumstances consistent with the provision of safe and effective care;
- Taking action to enable all children to have the best life chances.

165. While Children's Social Care play a lead role in safeguarding, everyone who comes into contact with children and young people has a part to play in safeguarding their welfare, whether you are:

- a. in any contact, or direct work/volunteering with children, young people and/or adults at risk;

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<sup>26</sup> Jersey Safeguarding Board, [Child Protection Procedures, Introduction Chapter](#)

- b. a manager with responsibility for creating a safe environment for delivering services;
  - c. a member of a management committee or board of trustees with responsibility for ensuring appropriate policies and procedures are implemented within an organisation.
166. Child abuse can take many forms. You should be aware of, and alert to, different forms of harm and abuse including physical abuse, emotional abuse, sexual abuse and neglect.<sup>27</sup>
167. **If you are concerned about a child, you should submit a referral to the Children and Families Hub.**
168. **In the case of an emergency or where an immediate response is required you should contact the States of Jersey Police.**

#### Safeguarding partners<sup>28</sup>

169. In the Law, the following people are [safeguarding partners](#):
- a. the Chief Executive Officer within the meaning of Article 3 of the Employment of States Employees Law;<sup>29</sup>
  - b. the chief officers of the administrations of the States for which the responsible Ministers (apart from the Minister for Housing and Communities) are each respectively assigned responsibility;<sup>30</sup> and
  - c. the Chief Officer of the States of Jersey Police Force.

#### Safeguarding arrangements

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<sup>27</sup> See Safeguarding Partnership Board website, '[Recognising and Reporting Abuse](#)'

<sup>28</sup> [Article 5: Arrangements to safeguard the welfare of children and young people](#)

<sup>29</sup> [Article 3: Chief Executive Officer \(Employment of States of Jersey Employees \(Jersey\) Law 2005](#)

<sup>30</sup> The responsible Ministers are: Minister for Children and Education; Minister for Health and Social Services; Minister for Home Affairs; Minister for Housing and Communities. See [glossary](#)

170. If you are a safeguarding partner, you have a responsibility to make such arrangements as are reasonably practicable to enable all safeguarding partners and relevant providers to discharge their safeguarding functions. Before making the arrangements, and to assist in determining reasonable practicability (for example, to determine what arrangements might be feasible within available resources), you may consult other appropriate persons, including the responsible Ministers.

171. These arrangements must include:

- a. arrangements to identify and respond to children or young people whose welfare appears to need safeguarding. Guidance on identifying and responding to need can be found in [Working Together in Jersey Guidance](#);
- b. arrangements for planning, reviewing and improving arrangements to safeguard the welfare of children or young people. Guidance on monitoring outcomes, scrutiny and accountability can be found in [Working Together in Jersey Guidance](#);
- c. arrangements for procuring professional advice on safeguarding the welfare of children or young people. Guidance on supervision, quality assurance and continuous improvement can be found in [Working Together in Jersey Guidance](#);
- d. arrangements for reviewing and learning from serious child safeguarding cases (child safeguarding practice reviews). See below for further guidance on learning reviews. See [Review of Child Deaths](#) for information on how these processes are aligned;
- e. arrangements for the disclosure of information between safeguarding partners and relevant providers. See [Guidance on Information Sharing](#);
- f. arrangements for scrutiny by an independent person of the effectiveness of the arrangements.

172. If you are a safeguarding partner or relevant provider, you must act in accordance with these arrangements.

173. As part of these arrangements, safeguarding partners should develop policies and procedures to promote the welfare of children and safeguard them from any form of

harm. Policies, procedures and guidance on current arrangements and best practice for safeguarding the welfare of children and young people are set out in '[Safeguarding Child Protection Procedures](#)', commissioned and delivered by the Safeguarding Partnership Board (children).<sup>31</sup>

174. The current Safeguarding Child Protection procedures are based on the Children (Jersey) Law 2002<sup>32</sup>, and Working Together to Safeguard Children<sup>33</sup>. These procedures must align with the duties and responsibilities of relevant providers and safeguarding partners in the Children and Young People (Jersey) Law 2022.
175. If you are a safeguarding partner or a relevant provider, you should review these safeguarding procedures regularly to ensure you are informed of any updates.
176. You should also follow internal safeguarding practice guidance and policies. Internal safeguarding practice guidance and policies must comply with the Law and the safeguarding arrangements made by safeguarding partners.

### *Learning Reviews*

177. Safeguarding partners must make arrangements for reviewing and learning from serious child safeguarding incidents. This should include arrangements to undertake Rapid Reviews and Child Safeguarding Practice Reviews in respect of children at risk.
178. Prior to a decision to commission a Child Safeguarding Practice Review, a Rapid Review will usually be undertaken to collate the immediate facts about a serious child safeguarding incident, identify initial learning, assess the case against the Child Safeguarding Practice Review criteria and make a recommendation on whether the case should progress to Child Safeguarding Practice Review.
179. The decision to undertake a Child Safeguarding Practice Review or Rapid Review rests with the safeguarding partners.
180. Arrangements for reviewing and learning from serious child safeguarding incidents should also include arrangements to undertake partnership reviews into cases

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<sup>31</sup> Safeguarding Partnership Board, [Safeguarding Child Protection Procedures](#)

<sup>32</sup> [Children \(Jersey\) Law 2002](#)

<sup>33</sup> HM Government (2018), [Working Together to Safeguard Children](#)



that do not meet the criteria for a Child Safeguarding Practice Review, but which can identify learning as to the way organisations work together to safeguard and protect the welfare of children. Reviews into good practice may also be undertaken.

181. A Child Safeguarding Practice Review in respect of a child should be undertaken when the following criteria are met:

- a) abuse or neglect of a child is known or suspected; and
- b) either (i) the child has died; or (ii) the child has been seriously harmed; and there is cause for concern as to the way in which agencies have worked together to safeguard the child.

182. Cases which meet one of the criteria i.e. (a) and (b)(i) or (b)(ii) should always trigger a Child Safeguarding Practice Review, (b)(i) includes cases where a child died by suspected suicide. Where a case is being considered under (a) and (b)(ii), unless there is definitive evidence that there are no concerns about inter-agency working or lessons to be learned, the safeguarding partners should commission a Child Safeguarding Practice Review.

183. In addition, even if one of the criteria is not met, a Child Safeguarding Practice Review should always be carried out when a child dies in custody, in police custody, on remand or following sentencing, in a Young Offender Institution, in a secure training centre or a secure children's home. The same applies where a child dies who was detained under the Mental Health (Jersey) Law 2016.

184. 'Seriously harmed' in the context of (b)(ii) above includes, but is not limited to, cases where the child has sustained, as a result of abuse or neglect, any or all of the following:

- a potentially life-threatening injury
- serious and/or likely long-term impairment of physical or mental health or physical, intellectual, emotional, social or behavioural development.

This definition is not exhaustive. In addition, even if a child recovers, this does not mean that serious harm cannot have occurred.

185. Child Safeguarding Practice Reviews should be conducted in accordance with the principles and good practice set out in the [Child Safeguarding Practice Review Procedures](#) issued by the Safeguarding Partnership Board.
186. Child Safeguarding Practice Reviews should be published within six months from commissioning.

### *Annual Report*

187. The safeguarding partners should produce an Annual Report on the effectiveness of child safeguarding arrangements. The report should be published by the responsible Ministers.
188. Each Annual Report should: provide a rigorous and transparent assessment of the performance and effectiveness of safeguarding arrangements; identify areas of weakness; the causes of those weaknesses; the action being taken to address them; and other proposals for action. The report should include lessons from Child Safeguarding Practice Reviews, the Organisational Safeguarding Standards Audit and Child Death Reviews undertaken within the reporting period.

### *Organisational Safeguarding Standards*

189. As part of arrangements for planning, reviewing and improving arrangements to safeguard the welfare of children or young people, safeguarding partners should commission an Organisational Standards Audit once every two years to check that safeguarding partners and relevant providers are effectively meeting their safeguarding responsibilities.
190. In addition, safeguarding partners and relevant providers should participate in periodic multi-agency safeguarding audits and share the findings of individual organisation safeguarding audits.

## **Engagement with children and young people**

### **Key Points**

- Engaging directly with children and young people is essential to effectively promoting their wellbeing and safeguarding their welfare
- When discharging your functions under the Law, you must have regard to the views of children and young people on all matters affecting them, with due allowance made for age and maturity. This means adapting to meet the accessibility needs and requirements of each child or young person
- The age and maturity of a child or young person should be taken into account on a case by case basis when having regard to their views
- Communication with children and young people should be clear and accessible
- You should try to ensure that parents and carers feel involved in, and supported by, the processes outlined in this guidance

### Capturing and having regard to the views of children and young people

191. As a corporate parent, responsible Minister, safeguarding partner or relevant provider carrying out your functions under the Law, you must have regard to the views of children and young people on all matters affecting them, with due allowance being made for age and maturity.<sup>34</sup> To meet this duty, you should ensure that children and young people are able - and encouraged - to participate in and share their views on all matters affecting them, and feel that they are listened to. This is critical to making sure that children and young people trust and have confidence in you.

192. This is in line with a children's rights approach. Article 12 of the UNCRC states that all children who are capable of forming their own views have the right to express those views freely in all matters affecting them, with due weight given to these views in accordance with the age and maturity of the child.<sup>35</sup>

193. If you are a practitioner who works directly with children and young people in your role, you must be clear on the circumstances in which you are required by Law to ascertain and have regard to the views of children and young people in so far as is reasonably practicable. You should be confident applying this duty in practice.

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<sup>34</sup> [Article 2: Overriding Objective of the Law](#)

<sup>35</sup> United Nations Convention on the Rights of the Child, [Article 12](#)

194. It is best practice to use a participation model to structure your engagement with a child or young person. For example, the Lundy Model<sup>36</sup>, which structures participation under four interrelated concepts:
- Space: Children must be given the opportunity to express a view
  - Voice: Children must be facilitated to express their views
  - Audience: The view must be listened to
  - Influence: The view must be acted upon, as appropriate
195. You should also refer to Government of Jersey participation standards when engaging with children and young people.<sup>37</sup>
196. It is important that children who are pre-verbal, and children or young people who are non-verbal, or whose ability to communicate verbally is limited, have the same opportunities to meaningfully share their views on matters affecting them. It is essential that all appropriate measures are taken to ensure that children and young people are protected against all forms of unlawful discrimination. This might include children or young people who have English as a Second Language (ESL), or have a Special Educational Need or Disability (SEND).
197. In practice, this means being responsive and adaptive to the accessibility needs and requirements of all children and young people to ensure that they are able to communicate their views. You should recognise the important role that parents can play in communication with children and young people.
198. Where you do not have the in-house skills or capabilities to meet the accessibility needs and requirements of a child or young person, you should seek support from specialist providers.
199. There is a role for advocacy in promoting the meaningful engagement and participation of children and young people in matters that affect them. This function is

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<sup>36</sup> Queen's University Belfast, [ENABLING THE MEANINGFUL PARTICIPATION OF CHILDREN AND YOUNG PEOPLE GLOBALLY: THE LUNDY MODEL](#)

<sup>37</sup> Government of Jersey, [Participation Standards for Children and Young People](#)

provided in the Law by Independent Reviewing Officers for looked after children<sup>38</sup> and in the future it is intended to be further supported by Independent Advocates.<sup>39</sup>

### **This is what children and young people said about talking to an adult<sup>40</sup>**

Q: What would make things easier for children or young people to talk to an adult about things like this?

This is what children and young people said<sup>40</sup>:

- Listening to children and young people without judgement and with respect
- Taking the time to listen to children and young people
- Having real life experience to relate to children and young people
- Communicating in a way that works for the child or young person

#### Competence, including accounting for age and maturity

200. When having regard to the views of children and young people, you must take account of their age and maturity.

201. This means that you should use your professional judgement to determine how the age and maturity of a child or young person affects the weight their views are given in each case.

202. A child aged 16 years and over is to be assumed to have capacity to make a decision unless it is shown that the child lacks capacity to make the decision in question as determined in accordance with the Capacity and Self-determination (Jersey) Law 2016.<sup>41</sup> As regards medical treatment specifically, in accordance with the Consent to Medical Treatment (Jersey) Law 1973<sup>42</sup>, a child aged 16 can give effective consent to medical treatment without the practitioner having to obtain further consent of a parent.

203. For children aged 16 years and under, if they are not competent, then you should

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<sup>38</sup> [Article 42: Review of looked after children's cases and appointment of independent reviewing officers](#)

<sup>39</sup> [Article 44: Independent Advocates](#)

<sup>40</sup> Summary of responses to young people's consultation on statutory guidance for Children and Young People (Jersey) Law 2022

<sup>41</sup> [The Capacity and Self-Determination \(Jersey\) Law 2016](#)

<sup>42</sup> [Consent to Medical Treatment \(Jersey\) Law 1973](#)

involve their parents / carer to obtain consent, and you should ensure regard is taken to the views of the child.

204. Where you have a concern as to whether a child lacks capacity to make a decision, you should seek advice, including legal advice if necessary. Where the child is aged 16 years and over, you should refer to the Capacity and Self Determination (Jersey) 2016 Code of Practice<sup>43</sup> in the first instance.
205. If you are ever unclear on the weight that a child or young person's views should be given, you must seek advice from colleagues and refer to the practice guidance to ensure that the voice of the child or young person is heard and considered appropriately. This includes considering the use of an intermediary or seeking an assessment of a child's cognitive ability.

#### Clear and accessible communication

206. To enable children and young people to meaningfully participate and feel empowered to share their views on matters affecting them, you should ensure that they are kept informed and should communicate outcomes and decisions in a clear and accessible way at the child or young person's level of understanding and maturity.
207. This might include:
- ∅ Using age appropriate language;
  - ∅ Using different methods of participation and communication to suit the needs of different children and young people. For example, young children or children with additional needs;
  - ∅ Seeking specialist support to communicate with children who are pre-verbal, children or young people who are non-verbal, children and young people whose ability to communicate is limited, and children and young people who do not have English as their first language.
208. Being transparent about outcomes and decisions that affect a child or young person is important to ensure accountability to that child or young person. If you

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<sup>43</sup> Capacity and Self Determination (Jersey) 2016 [Code of Practice](#)

communicate outcomes well, it shows you have understood and listened to them. This is especially important where a child or young person has shared their views on a matter but the outcome of the decision made does not align with the views they had expressed.

209. An important aspect of transparency is giving children and young people the space and encouragement to ask questions about outcomes, decisions and processes that affect them. You should be prepared to respond to any questions in a clear, honest and appropriate manner.

### Communicating with parents, carers and families

210. Parents, carers and families play an important role in promoting the wellbeing of children and young people. You should work with parents and carers to ensure that they are involved in, and supported by, the processes outlined in this guidance.

211. Where the Law requires, you must, in so far as is reasonably practicable, consult and / or ascertain and have regard to the views of a child's parents in relation to a process, action or decision. This could include when preparing or reviewing a wellbeing plan. When communicating with parents, you should ensure that you communicate options in a clear and accessible way, and offer support to help parents reach a decision that is in their child's best interests.

212. However, there are some situations where to consult and / or ascertain and have regard to the views of the child's parents may put the child at increased and / or further risk. You should consider whether it is appropriate to consult and / or ascertain and have regard to the views of a child's parents in these circumstances. If you decide it is not appropriate, you should document this decision.

## **Strategies for common pressures**

### **Key Points**

- Common pressures associated with joint working include:
  - ☒ Resourcing
  - ☒ Communications
  - ☒ Professional differences
- Strategies to mitigate the impact of these common pressures can ensure that the quality of support or service provision that a child or young person receives is not adversely affected

213. There are a number of common pressures associated with any public function which can affect the success of services in promoting the wellbeing and safeguarding the welfare of children and young people, and achieving outcomes.

214. The strategies outlined below can assist you to mitigate the impact of some of the most common pressures.<sup>44</sup>

### Resourcing

215. Staff turnover can impact on the retention of institutional knowledge, case management, handover between practitioners, and the effectiveness of joint initiatives.

216. If you are a senior manager, you should consider how operational risks such as high staff turnover or unfilled positions might affect your ability to meet your obligations under the Law. You should:

- ensure that when a member of staff leaves your organisation or takes extended leave, there is an effective handover of any work which contributes to a child or young person's wellbeing or welfare and - where a gap in provision cannot be avoided - the family and other relevant providers (for example, members of the team around the child) are informed.
- prepare an organisational chart and identify the members of staff who will take the lead on safeguarding. This will provide clarity for new members of staff on who to approach regarding any safeguarding concerns.

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<sup>44</sup> See Atkinson, Jones and Lamont (July 2007), [Multi-agency working and its implications for practice: Literature Review](#)



- ensure that job plans provide staff with the necessary capacity to undertake their responsibilities in relation to promoting the wellbeing and safeguarding the welfare of the children and young people they support. This may include, where appropriate, taking on the role of Lead Worker and participating in team around the child meetings.
  - ensure that all existing and new staff complete Jersey’s Children First training, participate in training on safeguarding policy and procedure relevant to their role, and continue to develop their knowledge and skills in this area to be aware of new and emerging risks.<sup>45</sup> Refresher courses should be made available to ensure that all staff are clear on their role and responsibilities.
217. Realistic project plans are needed for developing and implementing new arrangements. If you are responsible for overseeing arrangements related to promoting the wellbeing or safeguarding the welfare of children and young people, you should build in time for the planning and development of cross-agency partnerships.
218. If you are involved in delivering a multi-agency service response or joint intervention for a child or young person, you should consider and communicate any capacity issues to other corporate parents, responsible Ministers, safeguarding partners or relevant providers to ensure the continuity of service provision.

Siloed Working

219. You should apply the [‘Working Together Principles’](#) for working together to avoid siloed working, which may compromise the quality of service provision for a child or young person.

**Child-centred      Collaboration      Communication      Coordination      Consistency**

220. The Jersey’s Children First framework promotes a child-centred approach with a multi-agency ‘team around the child’ when needed. This integrated way of working promotes a joined-up approach to assessment and planning for children. This should, in practice, mitigate against siloed working.

221. If you are involved in delivering a service to a child or young person, you should

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<sup>45</sup> Government of Jersey, [Guidance for practitioners, including available training](#)

be aware of other corporate parents, responsible Ministers, safeguarding partners and relevant providers involved in delivering services to that child or young person. You should coordinate provision where appropriate to achieve an integrated response and to avoid duplication, in line with Jersey's Children First framework.

222. Shared tools and resources, such as multi-agency chronologies, can help to prevent siloed working and duplicative efforts to support children and young people.
223. If you are a senior leader, you should seek to foster a culture of collaborative working. For example, where weak or ineffective relationships exist between you and other corporate parents, responsible Ministers, safeguarding partners or relevant providers, proactive networking at both an operational and strategic level could strengthen and improve joint-working. Similarly, where possible, multi-agency training should be provided to foster trust and understanding between agencies and organisations.

#### Professional differences

224. Effective joint working necessarily involves navigating professional differences. You should be clear on the processes by which professional differences can be escalated, and know how to reach a solution.
225. In a multi-agency team, you may find that you hold a different perspective from other practitioners on the best decision or most appropriate form of action to take. To ensure the best outcome for the child or young person concerned, you should resolve these points of difference at the earliest opportunity.
226. You should be committed to creating an environment where different professional perspectives are welcomed, and where constructive challenge can be made. This approach will facilitate the early resolution of professional differences and restore positive working relationships to the benefit of the child or young person concerned.
227. The Safeguarding Partnership Board has a policy for resolving professional differences ([Resolving Professional Differences/ Escalation Policy](#)). This framework should assist you to appropriately respond in the event of professional difference.<sup>46</sup>

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<sup>46</sup> Safeguarding Partnership Board (2020), [Resolving professional differences / Escalation policy](#)

## Scrutiny and accountability

### Key Points

- Scrutiny is important to ensure that planned outcomes are, and continue to be, met
- Setting key performance indicators is an effective way to monitor outcomes and ensure effective scrutiny
- Clear lines of accountability ensure that, where planned outcomes are not met, action can be taken

### Scrutiny

228. Scrutiny of the application of arrangements and adherence to best practice as set out in this guidance is important to ensure that outcomes are, and continue to be, met by responsible Ministers and all other corporate parents, safeguarding partners and relevant providers.
229. Scrutiny is best provided through monitoring outcomes against key performance indicators.
230. If you are a corporate parent, responsible Minister, safeguarding partner or relevant provider, you should agree on a set of internal key performance indicators against which outcomes can be monitored and performance measured in relation to these arrangements.
231. You should explore opportunities for peer review, which can support effective monitoring of outcomes and provide an external source of scrutiny.
232. You should also be aware of the role of external bodies in monitoring outcomes. For example, under current arrangements, the Safeguarding Partnership Board's annual reports and relevant indicators within the Jersey Performance Framework<sup>47</sup> (aligned with the Children and Young People's Strategic Plan).

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<sup>47</sup> Government of Jersey, [Performance Framework](#)

## Accountability

233. Scrutiny and accountability go hand in hand. While scrutiny involves monitoring outcomes, accountability ensures that - where planned outcomes are not met - action can be taken. More widely, accountability ensures that arrangements to discharge public functions under this Law are in place.
234. Lines of accountability must be drawn clearly to ensure that duties and responsibilities are upheld, and to ensure swift and effective remedy when outcomes are not met.

### *Accountability within a team*

235. Within your team, the line of accountability should always be clear. This means that each member of your team should have clarity on what they are responsible for, and who they are accountable to. This applies to internal teams of any size, as well as multi-agency teams - for example, where there is a Team Around the Child.
236. You should also be clear on where accountability sits at a more senior level. For example, when an issue needs to be escalated.
237. Leadership is an important aspect of accountability. If you are responsible for leading the response or intervention to address a child or young person's needs, you should ensure that you are accountable to members of your team, as well as the child or young person that you are supporting.
238. Where the line of accountability is not clear, there is a real and significant risk that outcomes are not effectively monitored and performance is not measured. This, in turn, could mean that children and young people are adversely affected.

### *Procedure for complaints*

239. You should be aware of the procedure for complaints or representations established by the Minister for Children and Education under Article 45 of the Law.<sup>48</sup>

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<sup>48</sup> Article 45: Procedure for Complaints

Under current arrangements, the [Customer Feedback Policy](#) applies to all customer feedback received across the Government of Jersey. It applies to all employees, agency workers, contractors and volunteers in relation to feedback about services provided to customers.

240. If a complaint has been through all stages of the customer feedback process and the customer is not satisfied with the outcome, the customer has the option to request that the complaint is considered by the States of Jersey Complaints Panel.

241. You should review and be clear on which areas are not covered under the Customer Feedback Policy. For example, whistleblowing (see [whistleblowing policy for public servants](#) or staff grievances and follow the appropriate complaints procedure.

## Quality assurance and continuous improvement

### Key Points

- Quality assurance is critical to ensure that standards remain high and to allow for continuous improvement
- Supervision, audit and user feedback from children, young people and their families on the quality of service provision are important elements of quality assurance and continuous improvement
- Training should be regular, up-to-date and evidence-based, and accessible to staff at all levels

242. Quality assurance and continuous improvement are essential to ensure that you are able to offer the best possible support to promote the wellbeing and safeguard the welfare of children and young people.

243. Evaluation and audit are key to understanding the quality and effectiveness of arrangements. Quality assurance should take place internally, as well as externally.

### *Internal quality assurance*

244. Supervision is an important part of internal quality assurance and continuous

improvement.

245. Supervision is a process by which one practitioner is given responsibility to work with another practitioner(s) to meet certain organisational, professional and personal objectives to promote positive outcomes for service users.<sup>49</sup>
246. Supervision can assist practitioners to develop knowledge, competency and confidence in their role.
247. The Safeguarding Partnership Board has produced current [guidance](#) on safeguarding supervision. This guidance should be used to help you apply the principles and tools for effective supervision.
248. Another element of quality assurance is an internal audit of how the Law and guidance has been implemented by your organisation(s), such as ‘dip sampling’ information-sharing decisions (see [Guidance on Information Sharing](#)).
249. User feedback from children, young people, and their families on the quality of the service you have provided is an important element of quality assurance and continuous improvement.
250. If you are a senior manager, you should consider appointing a person, or persons, to take responsibility for quality assurance and continuous improvement within your team.

#### *External quality assurance*

251. Under current arrangements, the Safeguarding Partnership Board plays an important role in providing external quality assurance for corporate parents, responsible Ministers, safeguarding partners and relevant providers.
252. For example, the Safeguarding Partnership Board may undertake multi-agency audits of case files to identify lessons to be learned, and to assess the effectiveness of arrangements to promote wellbeing and safeguard welfare.
253. Other external bodies and agencies also play a role in monitoring standards and

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<sup>49</sup> Safeguarding Partnership Board, [Safeguarding Supervision: Policy statement including principles and tools](#)

providing external quality assurance on aspects of the Law in line with their remit. These include the Jersey Care Commission, the Children’s Commissioner, His Majesty’s Inspectorate of Constabulary and Fire & Rescue Services (HMICFRS) and other independent reviewers.

254. If you are a corporate parent, responsible Minister, safeguarding partner or relevant provider, you should incorporate feedback received from an external review of standards and / or quality to ensure that practice is up-to-date and to allow for continuous improvement.

### *Training and continuous improvement*

255. If you have responsibility for coordinating training within your team, you should ensure that all existing and new staff complete Jersey’s Children First training and participate in safeguarding training relevant to their role. You should ensure that all staff within your team continue to develop their knowledge and skills in this area and are aware of new and emerging threats to children and young people’s wellbeing and welfare.<sup>50</sup>
256. Where possible, you should coordinate multi-agency training to ensure your team has a holistic understanding of processes and arrangements to promote the wellbeing and safeguard the welfare of children and young people.
257. Training should be accessible, evidence-based and appropriate for all levels, including both strategic and frontline staff.
258. You should ensure that training is provided where a new approach or framework relevant to promoting the wellbeing or safeguarding the welfare of children and young people is to be implemented. For example, trauma-informed practice or new techniques for working with children who have neurodevelopmental needs. Any training should be consistent across all agencies.

## **2. Information Sharing**

### **Who must read this guidance**

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<sup>50</sup> Government of Jersey, [Guidance for Practitioners, including training](#); Safeguarding Partnership Board, [Training](#)

259. You must read and have regard to this guidance if you fall within the following groups:

[Responsible Ministers](#)

[Corporate parents](#)

[Safeguarding partners](#)

[Relevant providers](#)

260. These groups are named in the Law and an explanation of which individuals and agencies are included in each group can be found in the [Glossary](#).

261. You should use your professional judgement to establish when you should share information and what information you should share. If you are unsure on whether you have a legal basis to share information or require additional support to assist you in the decision making process, you are responsible for referring to your own organisational procedures and for consulting your supervisor, Safeguarding Lead and / or Data Protection Officer.

## What this guidance covers

262. This guidance covers information-sharing arrangements relating to:

- **Promoting wellbeing - Article 4<sup>51</sup>**: where it is necessary to share information about a child or young person to help promote or support their wellbeing.
- **Safeguarding welfare - Article 5<sup>52</sup>**: where it is necessary to share information about a child to help safeguard their welfare.
- **Corporate parenting - Article 28<sup>53</sup>**: where you have individual or aggregate-level data that is necessary to support others discharge their corporate parenting responsibilities.

This part of the guidance is designed to assist you to have confidence in your decision making around when to share information, and to help you understand and document your lawful basis for sharing the relevant information. The guidance will also assist you to ensure that the human rights of children, young people and family members are

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<sup>51</sup> [Article 4: Cooperation to promote wellbeing](#)

<sup>52</sup> [Article 5: Arrangements to safeguard the welfare of children and young people](#)

<sup>53</sup> [Article 28: Collaborative working among corporate parents](#)



respected, and that any interference is justified as lawful and proportionate and achieved in the least intrusive way.

263. Effective sharing of information between individuals, agencies and groups is essential for early identification of need, assessment and the delivery of services to keep children and young people safe and promote their wellbeing. Serious case reviews have highlighted that missed opportunities to record, understand the significance of and share information in a timely manner can have severe consequences for the safety and welfare of children.

264. Practitioners should be proactive in sharing information as early as possible to help promote and support children and young people's wellbeing and to help identify, assess and respond to risks or concerns about the safety and welfare of children and young people. Practitioners should be alert to sharing important information about any adults with whom that child or young person has contact, which may impact on their safety or welfare.

265. This part of the guidance is split into two sections:

- Section 1: an overview of the relevant data protection and human rights principles
- Section 2: how to apply them in practice as part of your decision-making process

### **Key documents relevant to this section**

The following documents (including guidance, legislation and frameworks) are referenced and linked in this section and should be read alongside this guidance where relevant:

- [Data Protection \(Jersey\) Law 2018](#)
- [European Convention on Human Rights](#)
- [Human Rights \(Jersey\) Law 2000](#)
- Jersey Office of the Information Commissioner (Guidance Note), [The Data Protection Principles: Data Protection \(Jersey\) Law 2018](#)
- Safeguarding Partnership Board, [Information Sharing Protocol between Safeguarding Partnership Board members and their organisations](#)
- [United Nations Convention on the Rights of the Child](#)

## Section 1: An overview of the relevant data protection and human rights principles

### Data Protection and Human Rights Principles

#### Key Points

- The Data Protection (Jersey) Law 2018 (DPJL 2018) provides a legal framework for the sharing of personal information. You must comply with the data protection principles when deciding whether it is appropriate to share information.
- Information must also be shared in a way that respects and ensures the human rights of individuals, notably the individual's human right to private life.
- Information shared without consent must be necessary to achieve a **legitimate aim**, such as the protection of health and must be limited to the information which is necessary to meet that aim.
- You are responsible for - and must be able to demonstrate - compliance with data protection principles and human rights as part of your role.

266. The sharing of information must be in accordance with the data protection principles under the DPJL 2018:

- **Lawful basis, fairness, and transparency:** data must be processed lawfully, fairly, and in a transparent manner
- **Purpose limitation:** data must be processed for a specific, explicit, and legitimate purpose
- **Data minimisation:** data must be adequate, relevant, and limited to what is necessary in relation to the purposes for which they are processed
- **Accuracy:** data must be accurate and - where necessary - kept up to date
- **Storage limitation:** data must not be kept longer than is needed
- **Data security, integrity and confidentiality:** data must be held securely.

267. As set out above, you must consider fairness and transparency when you process data (**lawful, fairness and transparency principle**):

- You must have a lawful basis to share the data.
- You should only share data in ways that people would reasonably expect. If people are deceived or misled when personal data is shared, then they are likely to think that the information sharing is wrong.
- You should be transparent with the child, young person and family from the outset about why, what, how and with whom information will, or could be shared unless it is unsafe to do so.
- There are some situations where being transparent about information sharing may put children at increased and / or further risk. You must consider whether it is appropriate to be transparent about the sharing in those circumstances and if not, document your reasons for not telling individuals about the fact information is to be shared.
- Your communications with children, young people and families need to be clear that there may be circumstances, such as if there is a safeguarding concern or where there is a health or development need, where you do not require consent to share information because it is necessary to fulfil a public function under the law. You should be clear, open and honest that this is a possibility from the outset of your engagement with the child, young person and / or their family.

268. It is best practice to notify children and young people, and their families, of any likely or potential outcomes as a result of sharing their information. This should be communicated to the individual(s) as soon as possible after a decision has been reached.

269. The data must be collected for a specific, explicit and legitimate purpose. You cannot collect data for one purpose and then use it for another. This is called the **purpose limitation**.

270. The data must be adequate, relevant and limited to what is necessary in relation to the purposes for which they are processed. To be confident that the information you are sharing is necessary and relevant, you must only share the information that will allow

others to perform their own legal responsibilities. You must also ensure that the information is of sufficient quality to allow others to understand and use the information. This is called **data minimisation**.

271. The information must be accurate and, where necessary, kept up to date. You must distinguish between fact and opinion - opinions may be shared so long as they are recorded as such and are able to be understood and interpreted correctly by others. This is about ensuring **accuracy**.
272. The information must not be kept longer than is needed - partners should be able to justify how long they keep data. This is called the **storage limitation**.
273. You must have appropriate measures to protect the security of the data shared. This promotes **data security, integrity and confidentiality**.
274. If a child, young person or their family is unhappy with the way information has been shared, they are entitled to use your organisation's processes to make a complaint about your service under the Law as well as enforce their rights as data subjects under the DPJL 2018. Complaints received by the Jersey Office of the Information Commissioner (JOIC) may be investigated. This would involve the JOIC asking about the circumstances of the information sharing and why it was necessary, who it was shared with etc. The JOIC will want to see evidence of your decision and how you reached it, so you must ensure that you record all details accurately.

#### Legitimate aim

275. Information must be shared in a way that respects and ensures the human rights of individuals. The European Convention on Human Rights (ECHR) provides that everyone – children, young people, and their families - have the right to private life and that right can only be interfered with lawfully in a way that is in accordance with the law and is necessary in the interests of a legitimate aim. This requires the interference to be proportionate to the achievement of that legitimate aim.

## Legitimate aim

The European Convention on Human Rights includes the following legitimate aims that are a lawful basis for interference with Article 8 (Right to respect for private and family life, home and correspondence):

- In the interests of national security
- Public safety or the economic wellbeing of the country
- The prevention of disorder or crime
- The protection of health or morals
- The protection of the rights and freedoms of others

276. The right to privacy is also a right of the child under the United Nations Convention on the Rights of the Child.

277. If you are, or work for, a public authority, the Human Rights (Jersey) Law 2000 requires that you act in a way that is compatible with an individual's right to private life.

### Lawful basis - consent or public functions

#### Key Points

- As a practitioner you must have a lawful basis to share personal information.
- The lawful basis for information sharing will either be the **consent** of the individual concerned or it will be necessary to fulfil a **public function**.
- For purposes to promote and support wellbeing, as a practitioner or corporate parent, the lawful basis for information sharing will be consent.
- For purposes to meet a health or development need or to safeguard welfare, as a practitioner or corporate parent, the lawful basis is the public function and you may share information without consent if you have a legitimate aim and it is necessary to share the information.
- Consent to sharing information must be informed, explicit and freely given.
- In all cases, children and families must be assisted and enabled to participate and express views in decision making processes around information sharing, unless there is a risk of significant harm

## Consent as a lawful basis

278. Consent, according to Jersey Data Protection law, means any freely given, specific, informed, and unambiguous indication of an individual's wishes whereby a statement or a clear affirmative action, orally or by writing, signifies agreement to the data being processed.<sup>54</sup>

279. If you are sharing information that is 'special category data' and seek to rely on consent, the consent must be explicit consent to the sharing of information for a specific purpose and this usually means that you need to have a clear record that the person consented to the information being shared for those purposes (orally or in writing).

<b>Personal data</b>	<b>Special category data</b>
Personal data includes: <ul style="list-style-type: none"><li>- Name, identification number of location data</li><li>- Online identifier</li><li>- One or more factors specific to the physical, physiological, genetic, mental, economic, cultural or social identity of the person</li></ul>	Special category data includes: <ul style="list-style-type: none"><li>- Data revealing racial or ethnic origin, political opinions, religious or philosophical beliefs or trade union membership</li><li>- Genetic or biometric data</li><li>- Data concerning health</li><li>- Data concerning someone's sex life and sexual orientation</li><li>- Data on someone's criminal record or alleged criminal activity</li></ul>

279. If you propose to share information in a situation where it is not necessary to share information to fulfil a function under the Law or other legislation, you must have consent to share the information. This is especially the case where the engagement of the child or young person, and/or their family, in a service or services is desirable but there is no requirement for them to do so. In these situations sharing information without consent has the potential to jeopardise engagement (and also likely to be unlawful).

280. For the purposes covered by this guidance, there is no fixed age of consent. What matters is that the individual has the capacity to consent to their information being

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<sup>54</sup> [Data Protection \(Jersey\) Law 2018, Consent to processing](#)

shared. To enable children and young people to contribute in an informed way to decisions around information sharing, practitioners should ensure that children and young people have clarity around what information is proposed to be shared, and how it will be used, and have an opportunity to have their views on the sharing of information taken into account in accordance with their age and maturity. If you determine that a young person is not competent to make their own decisions, you should seek consent from their parents/ carers.

281. You should not seek consent to share information when you have another lawful basis to do so and it is necessary to share the information. This would be a false use of the mechanism because the individual does not have a choice. You should consider how they may feel and how it may impact on your working relationship if they are asked for consent, they refuse it, and you then decide to share the information anyway.
282. In those cases where you do not need consent to share information, you should feel confident to share information and be able to explain why you do not need the parties' consent in these circumstances because sharing information without consent is permitted under the DPJL 2018 if there is another lawful basis for doing so.
283. In circumstances where consent is required (for example, for purposes related to the support or promotion of wellbeing), you must respect an individual's wishes and not share any information if they have not given their informed consent to do so.

### Public Functions as a lawful basis

#### **Public functions**

The DPJL 2018 allows for disclosure without the consent of the child or family in certain conditions, including where:

“The processing is necessary for –

- (a) The administration of justice;
- (b) The exercise of any functions conferred on any person by or under an enactment;
- (c) The exercise of any functions of the Crown, the States, any administration of the States or any public authority; or
- (d) the exercise of any other functions of a public nature with a legal basis in Jersey law to which the controller is subject and exercised in the public interest by any person.’

284. To rely on 'Public Functions' as your lawful basis, the information you intend to share must be necessary to fulfil one of the following functions:<sup>55</sup>

- Meeting a health or development need
- Safeguarding welfare<sup>56</sup>
- Corporate parenting to meet a health or development need or to safeguard welfare

285. 'Necessary' means that the information sharing must be a targeted and proportionate way of achieving your purpose - your underlying task, function and or power must have a clear basis. If you could perform your tasks in a less intrusive way, this lawful basis does not apply.

286. You may also share information lawfully in line with other public functions, including those not outlined in the Law (for example, the [Children \(Jersey\) Law 2002](#)), if sharing information is necessary to fulfil those functions. In such cases too, it is important to also maintain respect for the individual's human rights. To do this, you should consider whether the information sharing is necessary for a legitimate aim, such as the protection of health, and that you only share the information which is proportionate to that aim.

287. In all cases (except where to do so would create or increase a risk of harm to individuals), you should consider how you engage with the individuals involved, to maintain respect for their privacy rights and ensure that they feel heard and listened to even if you have made a decision to share information.

288. You should consider whether you can inform the child and their family that you propose to share the information before you do so if this would not create or increase the risk of harm, taking account of their views . If not, you should ensure the child and their family is informed once the information is shared, again taking account of risk of harm, and feeding back to the child and their family on the outcome of sharing information. (You should be aware it may not always be possible to provide this feedback). Specifically you should explain:

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<sup>55</sup> [Jersey Office of the Information Commissioner \(Digital Toolkit\), Lawful Basis of Processing](#)

<sup>56</sup> [Article 5: Arrangements to safeguard the welfare of children and young people](#)



- Who the information is being shared with
- What information is being shared
- Why the information needs to be shared

289. In those cases where you do not need consent to share information, you should also consider explaining why you do not need consent to share - this is an important aspect of transparency.

The application of lawful basis (consent or public functions) and legitimate aim

### Key Points

- The lawful basis for sharing information related to the **promotion and support of wellbeing** is the **consent** of the individual.
- The lawful basis for sharing information necessary to **meeting a health or development need**, or related to **safeguarding welfare**, is the performance of a **public function**.
- If sharing without consent, the information shared must be necessary to achieve a **legitimate aim**, such as the protection of health. The information shared must be proportionate to achieving that aim.
- For **corporate parenting purposes to promote and support wellbeing**, the lawful basis for information sharing will be **consent**.
- For **corporate parenting purposes to meet a health or development need or to safeguard welfare**, the lawful basis is the **public function** and you may share information without consent if you have a legitimate aim and it is necessary to share the information.

290. Information sharing may support the following public functions:

- The promotion and support of wellbeing
- Meeting a health or development need
- Safeguarding welfare
- Corporate parenting

This section outlines how lawful basis and legitimate aim apply to each of these functions.

291. Once you are confident that you have identified a lawful basis to share the information, you are able to share the information in line with the DPJL 2018.<sup>57</sup> You may also have regard to the [Jersey's Children First practice guidance](#).

#### *The promotion and support of wellbeing*

292. Where you are considering whether to share personal information for a function related to the **promotion and support of wellbeing** (such as for the purposes of a wellbeing assessment), you must seek the consent of the individual whose information is being shared before you share that information. In these cases, the lawful basis for sharing the information is the **consent** of the individual..

293. The consent given by the individual must be informed, explicit and freely given. If the individual does not consent to information being shared, you must not share the information.

#### *Meeting a health or development need and safeguarding welfare*

294. Where you are considering whether to share information for a function related to **meeting a health or development need**, or related to **safeguarding welfare**, you may share the information if you consider that sharing the information is necessary to fulfil functions outlined in the Law relating to these purposes. In these cases, the lawful basis for sharing the information is the performance of a **public function**. You may share the information even though the individual whose information is being shared has not provided consent.

295. For a function related to **meeting a health or development need**, or related to **safeguarding welfare**, the sharing of information is likely to be necessary to achieve a **legitimate aim**, namely the protection of health and this provides a lawful basis for interference with Article 8 (Right to respect for private and family life, home and correspondence).

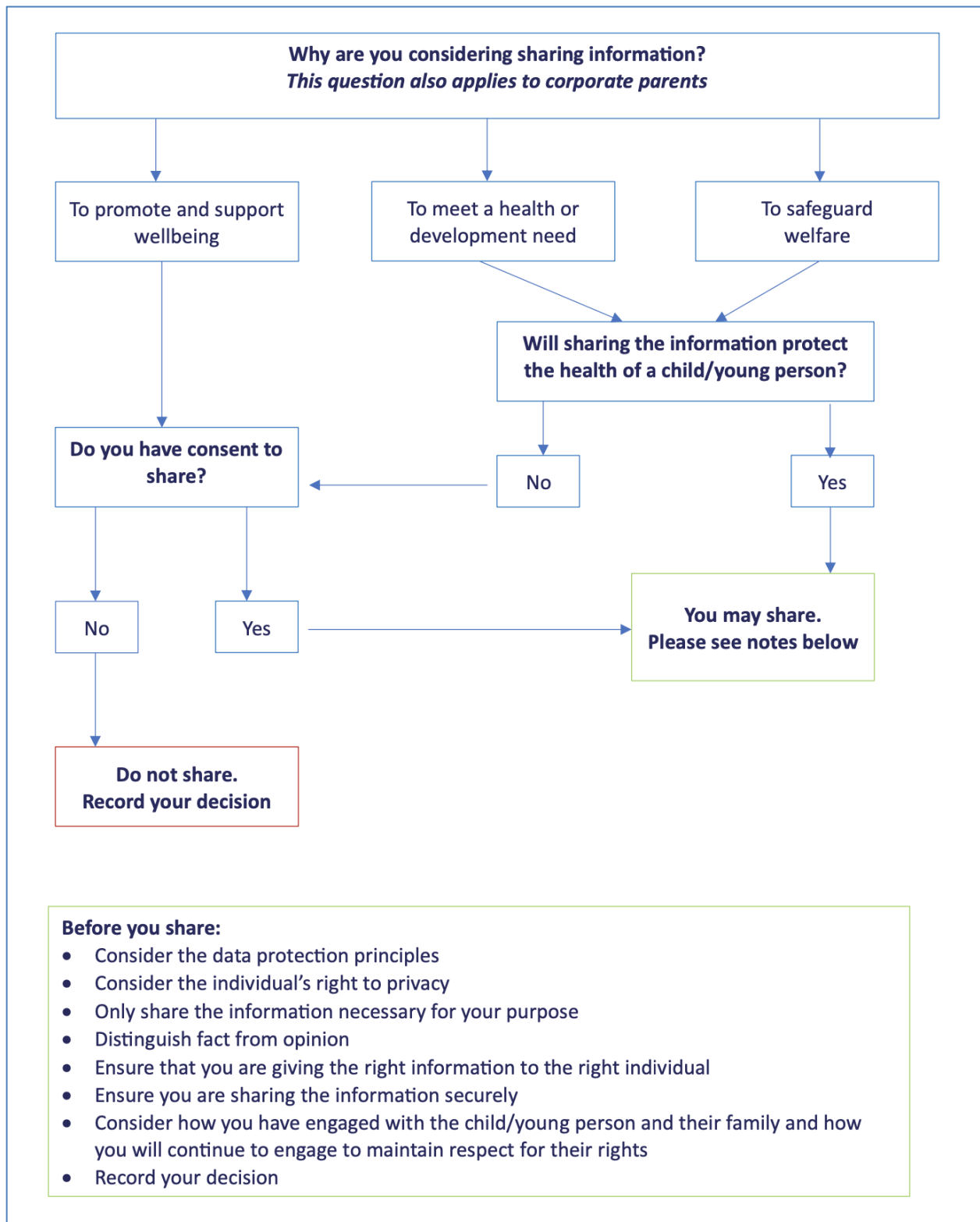
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<sup>57</sup> [Article 8 Data Protection \(Jersey\) Law 2018](#)

## Corporate parenting

295. Where you are considering whether to share information at an individual level for a function related to corporate parenting, you may, in principle, share the information without the consent of the individual whose information is being shared, if you consider the information is necessary to fulfil functions related to this purpose. However, you must also consider whether the information sharing is necessary to achieve a **legitimate aim**, such as the protection of health.
296. In cases where there **is a health or development need**, or a **safeguarding concern**, the expectation is that there will be a legitimate aim and you must ensure that you share information which is necessary to meet that aim. In these cases, the lawful basis for sharing the information is the performance of a **public function**.
297. For corporate parenting purposes to **promote and support wellbeing**, the lawful basis for information sharing will be the **consent** of the individual. The consent given by the individual must be informed, explicit and freely given. If the individual does not consent to information being shared, you must not share the information.

## Flowchart of when and how to share information



## **This is what children and young people said about information sharing<sup>58</sup>**

Q: What should services think about before they share information?

This is what children and young people said<sup>62</sup>:

- How children and young people may feel if their information is shared
- The context in which information is shared
- The importance of informing children and young people that you will, or may need to, share information in a clear way\*

\*There are occasions when it is in the best interests of the child to share information that they would prefer is not shared. This will require an age-appropriate explanation to be offered to the child so their feelings are respected even if their wishes cannot be followed

## **Section 2: How to share information in practice as part of your decision making process**

### Sharing information to promote wellbeing: Ministers and relevant providers

Summary of Law: As part of the arrangements around completing wellbeing assessments, Ministers and relevant providers must make arrangements as to the disclosure of information from - or relevant to - these assessments to promote the wellbeing of children.

298. If you consider sharing information about a child with a wellbeing need, you must seek and obtain the consent of the individual whose information is being shared. The information shared must be necessary to facilitate the relevant multi-agency assessment and decision making and enable the child to access services that will help promote and support wellbeing beyond which you or your service can provide.

299. If you (a relevant provider) identify a wellbeing need, you should consider whether, with the agreement of the child and family, you should carry out or request an

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<sup>58</sup> Summary of responses to young people's consultation on statutory guidance for Children and Young People (Jersey) Law 2022

early help wellbeing assessment. See guidance on requesting and carrying out wellbeing assessments for further information.

300. If you (a relevant provider) carry out a wellbeing assessment for a child with a wellbeing need, you may make the decision to share the assessment with the Children and Families Hub if you think that the child would benefit from more support than can be provided by your service and you have obtained consent to share this information for this purpose from the child and/or their parent /carer. When you share information, with the consent of the individual as the lawful basis for sharing information, you must ensure the information is shared in line with the DPJL 2018.
301. As part of a wellbeing assessment for a child with a wellbeing need conducted by a practitioner from another agency, you (a relevant provider) may have information relevant to that assessment and you may be asked to provide information to support the completion of that assessment. If you have information relevant to the wellbeing of the child and the wellbeing assessment, you should seek consent to share that information when requested in line with the DPJL 2018.
302. If you (a relevant provider) have concerns about a child's wellbeing and consider that they may have a health or development need, you may share information for this purpose with the Children and Families Hub without the consent of the individual whose information is being shared if it is necessary to do so for a legitimate aim. In the case of a health or development need, the relevant legitimate aim will be the protection of health of the child. You should ensure that the information being shared is necessary for that purpose and limited to what is necessary. This is to maintain respect for the individual's privacy rights.
303. If a health or development need is identified, you (the Minister) must cause a wellbeing assessment (Children's Social Care Child and Family Assessment) to be made. Where it is proposed to share information for the purposes of, or following, an assessment, you may share that information without the consent of the individual whose information is being shared if it is necessary to do so for a legitimate aim. In the case of a health or development need, the relevant legitimate aim will be the protection of health of the child. You should ensure that the information being shared is necessary for that purpose and limited to what is necessary. This is to maintain respect for the individual's privacy rights.

## Sharing information to safeguard welfare: safeguarding partners and relevant providers

Summary of Law: As part of safeguarding arrangements, safeguarding partners and relevant providers must make arrangements as to the sharing of information.

303. In the case of safeguarding welfare, where there is reasonable cause to suspect that the child is suffering, or is likely to suffer, significant harm, information must be shared in a timely manner to ensure the child is protected.
304. If you (a safeguarding partner or relevant provider) have concerns about a child's welfare and consider that the child has suffered or is likely to suffer significant harm and they have an allocated social worker, then you should share the information with their social worker. If the child does not have an allocated social worker, then you should share the information with the Children and Families Hub where it will be considered for a Multi-Agency Safeguarding Hub (MASH) response. You should review this section of the guidance in line with the Safeguarding Partnership Board documentation on information sharing (currently the Information Sharing Protocol). This will help you to understand your information sharing responsibilities around safeguarding more clearly.
305. As part of these safeguarding processes, you may be required to provide information to MASH.

## Sharing information between corporate parents

Summary of Law: Corporate parents must collaborate, and this may include sharing information about looked after children and care leavers.

307. You (a corporate parent) may share information with other corporate parents to support strategic planning around your statutory duties. This will involve sharing individual-level and aggregate-level data on the cohort of looked after children and care leavers to inform the planning, delivery and evaluation of services.
308. **Individual-level data:** At an individual level, you may wish to share information with other corporate parents, if you are aware that the child is looked after or care

experienced. As a corporate parent, you should be professionally curious about a child's care status, but this should be balanced with taking a non-judgemental approach. Some corporate parents will have access to the child protection register (for example, those who are involved in child protection case conferences), but not all corporate parents.

If you are considering sharing individual-level data which includes personal information, you may share that data without the consent of the individual whose information is being shared if there is a legitimate aim for doing so, such as the protection of health, and the sharing of information is necessary for that aim, and limited to what is necessary. It is expected that this will be the case where the sharing is for the **purposes of safeguarding welfare or for meeting a health or development need**. You should ask yourself: is there a legitimate aim for sharing the information, is it in the best interests of the child to share the information with another corporate parent, and is it necessary for the legitimate aim to share this information?

309. If you are considering sharing individual-level data which includes personal information for **the promotion or support of wellbeing**, you must seek and obtain the consent of the individual whose information is being shared.
310. You should consider the importance of knowing who is looked after or care experienced to delivering and planning services for this cohort. A group of corporate parents might want to agree to closer data sharing if it is determined that this group could not discharge their responsibilities without knowing which individuals fall within this cohort.
311. In all cases, you should also consider what is relevant to the current concern. You should also consider whether sharing the information has the potential to have a stigmatising effect on the child or young person (again, considering the impact of sharing data).
312. **Aggregate-level data:** At an aggregate level, corporate parents should be supporting strategic planning through the use of data. This acknowledges that this cohort needs more help than their peers and therefore corporate parents need to have a rich understanding of the profile and needs of this cohort to be able to plan, collaborate and deliver services. An example of implementing these arrangements might include the use of dashboards or a Strategic Needs Assessment.



## Key Points

- You should keep a record of decisions taken around information sharing and the reasons for it, whether it is to share information or not
- Where you are unsure about information sharing, you should seek advice and supervision internally
- Partners should complete an audit of decision making around information sharing to drive continuous improvement

314. Where data sharing occurs regularly between different public authorities under the Law it is prudent to ensure that it is supported by data sharing agreements. Such agreements between two or more organisations will outline the legal basis for information sharing between those organisations, how data protection principles have been met, and any arrangements specific to that relationship. The benefit of such agreements is that they can help to ensure the DPJL 2018 and human rights law are complied with, while also promoting efficient and confident decision making.

315. If you are making decisions on whether to share information, you should keep a record of decisions taken around information sharing and the reasons for it, whether it is to share information or not. If you decide to share information, you should record what you have shared, with who and for what purpose.

316. You are not permitted to disclose information that is subject to legal privilege unless you have obtained the necessary permissions. In general terms, legal privilege protects written or oral confidential communications between a lawyer and their client for the purpose of giving or receiving legal advice; or to communications between a client and their lawyer or other advisers in the context of anticipated or current litigation. If you intend to share information which may refer to the fact, or the content, of legal advice or actions taken in the context of litigation, you must ensure you have permissions to share that information before sharing it. You should contact the lawyer who provided the advice or who is working with you on the relevant case to discuss the matter and to understand the permissions required.

317. You should consult your supervisor, Safeguarding Lead and / or your Data Protection Officer if you require further guidance/assistance.
318. Improving how data is shared to promote wellbeing and safeguard welfare should be ongoing. Corporate parents, responsible Ministers, safeguarding partners and relevant providers are expected to proactively identify and implement changes to policy and practice, individually and collectively.
319. If applicable to your role, you should ensure that your organisational policies and processes are up to date and aligned with this guidance and best practice and that you offer opportunities for professional development around information sharing.
320. Review of information sharing arrangements should include regular audit of both decisions to share and not to share, to ensure consistency and compliance.

# 3. Corporate parenting

## Who should read this guidance

321. You must read and have regard to this guidance if you are a named corporate parent:

<b>Public Authorities</b>	<b>Schools, Nursery Schools and Day Care Accommodation</b>	<b>Bodies operating at arm's length from the States including any such bodies in receipt of funding or grants from the States</b>
The Chief Minister and Ministers	Provided schools listed in Schedule 1 to the Education Law	Andium Homes Limited
A department or unit of administration established on behalf of the States	Non-provided schools (as defined in the Education Law) registered under Article 40 of that Education Law	Family Nursing and Home Care (Jersey) Incorporated
The parishes	Nursery schools (as defined in the Education Law) established and maintained by the Minister under Article 8 of that Law	Jersey Sport Limited
The States of Jersey Police Force (referred to in Article 2 of the States of Jersey Police Force Law 2012)		The Jersey Arts Trust
The Jersey Probation and Aftercare Service		

## What this guidance covers

322. All children and young people should grow up in a safe and nurturing environment, surrounded by adults who love and support them. In most cases, this environment is provided by the child or young person’s family. However, in a small number of cases, there are two groups of children and young people (looked after children and care leavers) who must be supported by you, as a corporate parent.
323. A corporate parent is a named individual or organisation whose role is to work collaboratively with other corporate parents to plan and deliver support to children and young people who are in care or care experienced. This support should be underpinned by the following values:
- Safety
  - Care
  - Stability
  - Opportunity
  - Love
324. You should understand your role as a corporate parent. At a strategic level your role is to plan your service offer and collaborate with others to ensure the state supports looked after children and care leavers as any good parent would.
325. This guidance covers:
- a. Your responsibilities as a corporate parent<sup>59</sup>
  - b. Strategic planning by corporate parents<sup>60</sup>
  - c. Collaborative working as a corporate parent, including information sharing<sup>61</sup>
  - d. Services offered by corporate parents<sup>62</sup>

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<sup>59</sup> [Article 26: Corporate parenting responsibilities](#)

<sup>60</sup> [Article 27: Planning by corporate parents](#)

<sup>61</sup> [Article 28: Collaborative working among corporate parents](#)

<sup>62</sup> [Article 29: Services offered by corporate parents](#)

- e. Reporting and outcomes<sup>63</sup>
- f. The corporate parenting board<sup>64</sup>

### Key documents relevant to this section

The following documents (including guidance, legislation and frameworks) are referenced and linked in this section and should be read alongside this guidance where relevant:

- Government of Jersey, [Corporate Parenting Board webpage](#)
- Government of Jersey, [Participation Standards for Children and Young People](#)

## Corporate Parenting Responsibilities

### Key Points

- As corporate parents, you have six responsibilities towards looked after children and care leavers. You must:
  1. Be alert to their wellbeing
  2. Assess their needs
  3. Promote their interests
  4. Seek to provide opportunities for participation
  5. Help them access services
  6. Develop and improve in your role as a corporate parent
- Every corporate parent has the same responsibilities, even if they are discharged differently

326. You have the same responsibilities as all other corporate parents - **these responsibilities are envisaged as being held at an organisational level.** Promoting the wellbeing and interests of looked after children and care leavers requires equal partnerships across all domains of wellbeing. This means there is no one agency who must, or should, solely take on the burden of this responsibility. Direct work with

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<sup>63</sup> [Article 30: Reports by corporate parents](#)

<sup>64</sup> [Article 33: Duty to provide information to the corporate parenting board](#)

looked after children and care leavers will follow Jersey's Children First practice framework and therefore, your strategic planning should take a children-centred approach and follow the other principles of multi-agency working (see [Guidance on Working Together in Jersey](#)).

***Responsibility one: to be alert to matters which, or which might, adversely affect the wellbeing of those individuals***

327. As a corporate parent, you can demonstrate being alert by learning about - and staying informed of - issues that could have a negative impact on the wellbeing of looked after children and care leavers.

***Responsibility two: to assess the needs of those individuals for the services and support the corporate parent provides***

328. Where you provide services or support for looked after children and care leavers, you should take steps to identify and assess the needs of this cohort, either individually or as a group, as appropriate.

***Responsibility three: to promote the interests of those individuals***

329. You should look for opportunities to promote the interests of - and benefit to - looked after children and care leavers as individuals or as a group.

***Responsibility four: to seek to provide those individuals with opportunities to participate in activities designed to promote their wellbeing***

330. You should look to provide or support provision of a wide range of opportunities to enable looked after children and care leavers to participate in activities that are designed to promote their wellbeing.

***Responsibility five: to take such action as the corporate parent considers appropriate to help those individuals to access the opportunities provided by corporate parents and to make use of services and access the support that is offered by corporate parents***

331. You should identify and look for ways to overcome individual and collective barriers that looked after children and care leavers face so that benefits from the

opportunities, services, and support you and other corporate parents provide can be realised.

***Responsibility six: to take such other action as the corporate parent considers appropriate for the purposes of improving the way in which the corporate parent discharges its functions in relation to those individuals***

332. You should keep what you do under review and look for ways to make improvements.

## Strategic Planning

### Key Points

- You must prepare, publish and keep under a review a plan on your role as a corporate parent in consultation with other corporate parents and others as appropriate

333. You must prepare and publish a plan on how you will discharge your six corporate parenting responsibilities. Before preparing your plan, you must consult other corporate parents and other such persons as you consider appropriate. Any consultation should include consideration of the views of looked after children and care leavers. It is considered best practice to plan jointly and strategically with other corporate parents.

334. Planning jointly and strategically means exploring how services are commissioned, including the use of budgets, in the context of a whole system and collaborating together to ensure coherence in this system across all activities. Ministerial corporate parents are particularly well placed to carry out joint planning through the Government Planning process.

335. You must detail how you plan to discharge your six responsibilities with reference to the services you deliver. Beyond this, you have a degree of discretion on what to include in your plan. You may wish to include:

- a. Objectives that link to your six responsibilities as a corporate parent
- b. An outline of how you plan to achieve these objectives and within what timeframe. You might also include how you plan to evaluate your impact against these objectives

- c. An outline of how you plan to engage with looked after children and care leavers as part of your planning, with reference to the Participation Standards for Children and Young People<sup>65</sup>
- d. Reference to how your service areas link to the wellbeing indicators.

336. In line with the objectives set out in your plan, you should establish outcomes indicators. You should consider any indicators set centrally by the corporate parenting board as well as developing bespoke indicators that align to your specific plan and services. You should consider publishing these indicators as part of your plan. You may wish to use an Outcomes Based Accountability® approach to support planning.

337. You should consider the views of looked after children and care leavers when developing indicators.

338. The checklist below is an example of the information that you must, and may, include in your plan.

This plan <b><u>must</u></b> contain detail, data and analysis of how we will:	✓ or ✗
Be alert to matters which, or which might, adversely affect the wellbeing of looked after children and care leavers	

<sup>65</sup>Government of Jersey, [Participation Standards for Children and Young People](#)



Assess the needs of looked after children and care leavers for the services and support we provide	
Promote the interests of looked after children and care leavers	
Seek to provide looked after children and care leavers with opportunities to participate in activities designed to promote their wellbeing	
Take appropriate action to help looked after children and care leavers to access the opportunities we provide and to make use of services and access the support we provide	
Take appropriate action to improve the way we discharge our functions in relation to looked after children and care leavers.	
<b>This plan <u>may</u> contain detail, data and analysis of how we will:</b>	
Collaborate with other corporate parents	
Involve the perspectives of looked after children and care leavers	
<b>This plan <u>may</u> also contain:</b>	
A clear set of measurable objectives	
A clear timeframe for specific actions	
The desired outcomes for looked after children and care leavers	

339. You should take into account any policies and standards issued by the Corporate Parenting Board when preparing your plan.

340. You must keep this plan under review. This means regularly assessing strategic and operational delivery against outcomes and planned activities. It is recommended that you review the plan on an annual basis. If you identify areas of improvement in planning in the interim, you should consider making immediate changes to delivery.

341. You must publish this plan and every revised plan. There is no legal limit on how frequently you can publish your plan.

342. When publishing the plan, you should consider the format, language and overall accessibility of the document. The plan may be published either separately, or as part of, any other plan or document. If you chose to publish the plan as part of another plan or document, you should consider the relevance and accessibility of the other document.

## Collaborative working among corporate parents

### Key Points

- You must, as far as reasonably practicable, collaborate with other corporate parents to promote the wellbeing and safeguard the welfare of looked after children and care leavers

343. You have a responsibility, as far as reasonably practicable, to collaborate with other corporate parents when discharging your six corporate parenting responsibilities, or carrying out other functions where you consider doing so will promote the wellbeing and safeguard the welfare of looked after children and care leavers. You should therefore consider your collaboration as an application of the Guidance on [Working Together in Jersey](#) and apply the '[Working Together Principles](#)':

### **Child-centred      Collaboration      Communication      Coordination      Consistency**

344. When collaborating with other corporate parents, you may consider the following:

- a. Sharing information in line with the Data Protection (Jersey) Law 2018 and the Human Rights (Jersey) Law 2000.
  - This might include individual and aggregate level information sharing to support other corporate parents to discharge their functions. See [Guidance on Information Sharing](#).
- b. Corporate parents must not share information in relation to particular individuals unless the information:
  - is obtained in the course of carrying out functions in relation to those particular individuals;

- supports the discharge of functions or collaboration with other corporate parents; and
  - does not relate to any information that is subject to legal privilege, unless you have obtained the necessary permissions.
- c. Providing advice or assistance to other corporate parents.
- For example, you could set up formal and informal arrangements with other corporate parents to learn from each other and share best practice.
  - If you have a more mature strategy for looked after children and care leavers, you may consider supporting other corporate parents to develop their strategic planning for this cohort. This might be through sharing data.
- d. Coordinating activities with other corporate parents.
- For example, you might plan activities or interventions together to tackle a similar issue experienced by looked after children and care leavers.
  - You might approach potential partners and establish and draw up formal and informal working arrangements.
- e. Sharing responsibility for action.
- For example, you might consider publishing joint plans and reporting.
- f. Funding activities jointly.
- For example, you and other corporate parents might provide complimentary services and you should consider pooling your resources to improve or extend the offer. This might support a wider offer of opportunities and support for looked after children and care leavers.
345. To facilitate this collaboration, you may wish to develop formal partnerships with other corporate parents. Equally, you may wish to utilise existing formal and informal structures to engage with other corporate parents.
346. Best practice collaboration would be the development of a shared strategic needs assessment and strategic plan. A strategic needs assessment is an analysis of current and future needs on a particular topic, used to inform strategy, decision making and commissioning. The strategic plan might cover shared objectives, individual and collective roles and responsibilities, joint engagement with looked after children and care leavers, commissioning and a mechanism for joint review and reporting.

347. You must collaborate as far as is reasonably practicable. The more integrated the planning is among corporate parents, the more beneficial this will be to the looked after children and care leavers concerned.

## Services offered by corporate parents

### Key Points

- You must publish information on the services you offer (if any) as a corporate parent.

348. You must publish information about the services you offer (if any) to looked after children and care leavers. Services means advice, guidance and assistance. This may include services related to:

- Health and wellbeing
- Education and training
- Finance and employment
- Accommodation and housing
- Relationships and participation in society

349. For care leavers, you must also publish information about services you offer that can support those leaving care to prepare for adulthood and independent living.

350. You must consult with the corporate parenting board and any other people you consider appropriate, including looked after children and care leavers, before publishing information on service provision.

351. You must periodically update information about the services you offer and review it at least every four years. Before publishing information on services, you should consider the format, language and overall accessibility of the document. It is crucial that looked after children, care leavers, the corporate parenting board, and other corporate parents can easily access and understand the document.

352. You should also consider the dissemination of this information to ensure that looked after children, care leavers, the corporate parenting board and other corporate parents have an awareness of what is available.

## Reporting by corporate parents

### Key Points

- You must publish a report on how you have discharged your corporate parenting functions. This should align and be responsive to your strategic plan.

353. You must publish a report outlining how you have discharged your corporate parenting responsibilities, planning and collaborating functions, and other corporate parenting functions. This should align and be responsive to your strategic plan. You must publish the report at least every four years and should aim to publish as regularly as you publish your plan.

354. The report may, in particular, contain:

- Information on standards of performance;
- Information on outcomes achieved against the objectives outlined in the plan, with reference to your outcome indicators;
- A review of areas for improvement and subsequent lessons learned and how this will be actioned in subsequent planning.

355. Your report should consider the views of looked after children and care leavers, using the Participation Standards for Children and Young People to structure your engagement<sup>66</sup>.

356. When publishing the report, you should consider the format, language and overall accessibility of the document. The report may be published either separately, or as part of, any other report or document. If you chose to publish the report as part of another report or document, you should consider the relevance and accessibility of the other document.

357. The checklist below is an example of the information that you must, and may, include in your report.

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<sup>66</sup> Government of Jersey, [Participation Standards for Children and Young People](#)

This report <u>must</u> contain detail, data and analysis of how we have:	✓ or ✗
Been alert to matters which, or which might, adversely affect the wellbeing of looked after children and care leavers	
Assessed the needs of looked after children and care leavers for the services and support we provide	
Promoted the interests of looked after children and care leavers	
Sought to provide looked after children and care leavers with opportunities to participate in activities designed to promote their wellbeing	
Taken appropriate action to help looked after children and care leavers to access the opportunities we provide and to make use of services and access the support we provide	

Taken appropriate action to improve the way we discharge our functions in relation to looked after children and care leavers.	
Discharged our planning and collaborating functions, and other corporate parenting functions	
<b>This report <u>may</u> contain detail, data and analysis of how we have:</b>	
Involved the perspectives of looked after children and care leavers	
<b>This report <u>may</u> also contain:</b>	
Information on standards of performance	
Information on the outcomes achieved against the objectives stated in our plan, with reference to the outcome indicators	
A review of areas for improvement and subsequent lessons learned and how this will be actioned in subsequent planning	

## Corporate parenting board

358. The principal purpose of the corporate parenting board is to monitor and review how corporate parents discharge their corporate parenting responsibilities.
359. If you are a corporate parent, you must provide the corporate parenting board with such information as the Board reasonably requires on how you have discharged your corporate parenting responsibilities, including how you have collaborated with other corporate parents. Information required by the corporate parenting board may, in particular, include information on performance and outcomes. This information should be covered by your corporate parenting plan and report, but may be requested outside of these parameters.
360. The corporate parenting board should use this information to monitor and review the performance of corporate parents. They should hold corporate parents to account, individually and collectively, and ensure that they are fulfilling all their statutory and non-

statutory responsibilities towards looked after children and care leavers.

361. The corporate parenting board should also work with looked after children and care leavers to promote their interests, champion their rights, and ensure their views are considered in relation to policy and practice, using the Participation Standards for Children and Young People to support engagement.<sup>67</sup>

362. The Board is composed of:

- The Responsible Ministers
- A member of the Comité des Connétables nominated by the Comité
- 2 children representing looked after children
- 2 young people representing care leavers
- 2 people each representing a different voluntary body

363. For more information about the corporate parenting board, including their policies and publications, please see their [website](#).

## 4. Looked after children and care leavers

### Who should read this guidance

364. You must read and have regard to this guidance if you are:

- a relevant provider;
- a part of children and young people services; or
- if you provide services for, or on behalf of, relevant providers or the Minister for Children and Education.

365. These groups are named in the Law and an explanation of which individuals and agencies are included in each group can be found in the [Glossary](#).

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<sup>67</sup> Government of Jersey, [Participation Standards for Children and Young People](#)



366. The following professionals must also read and have regard to this guidance as it relates to their function:

<b>Social workers responsible for looked after children</b>	<b>Personal advisers working with looked after children and care leavers</b>	<b>Virtual School</b>	<b>Independent Reviewing Officer</b>
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## What this guidance covers

367. All children and young people should grow up in a safe and nurturing environment, surrounded by adults who love and support them. In most cases, this is provided by the child or young person's family. However, in a small number of cases, looked after children and care leavers must be supported by you - social workers, personal advisers, the Virtual School and Independent Reviewing Officers.

368. This guidance covers and is structured as follows:

- Wellbeing assessments and plans for looked after children<sup>68</sup>
- The role of Independent Reviewing Officers for looked after children<sup>69</sup>
- The role of the Virtual School for looked after children<sup>70</sup>
- The role of personal advisers for looked after children and care leavers<sup>71</sup>

### Definition of 'looked after children' and 'care leavers'

**Looked after children:** Children who are looked after by the Minister, where 'looked after by the Minister' references any of the following as defined in the [Children \(Jersey\) Law 2002](#):

- a) a child in the care of the Minister;

<sup>68</sup> [Article 36: Wellbeing assessment, plan and review](#)

<sup>69</sup> [Article 42: Review of looked after children's cases and appointment of independent reviewing officers](#)

<sup>70</sup> [Article 41: Minister's duty to promote educational achievement](#)

<sup>71</sup> [Article 39: Personal advisers](#)

- b) a child, other than a child falling within the description in paragraph (c), provided with accommodation by the Minister for a continuous period of more than 24 hours in the exercise of the Minister’s functions under any enactment;
- c) a child or young person within the meaning of the Young Offenders Law who is required to be detained in custody on remand or following sentence under any provision of that Law, where the place of custody is
  - i) secure accommodation,
  - ii) a young offender institution, or
  - iii) the prison,

within the meaning of that Law.

**Care leavers:** As defined in the [Children \(Jersey\) Law 2002](#), an individual aged 16 up to (but not including) the age of 25 who has been looked after by the Minister for a minimum period of 13 weeks, whether in aggregate or consecutively, from the age of 14 up to (but not including) the age of 18.

Or an individual who is of such description as the Minister may by Order specify, and who at any time before the age of 18 was looked after by the Minister but ceased to be so looked after before that age.

## Key Points

- Looked after children and care leavers have the same needs as other children – to be loved, to be cared for, and to feel safe
- Social workers, personal advisers, the Virtual School and Independent Reviewing Officers all play an important role in assessments, planning, support, and provision for looked after children and care leavers
  - **Social workers and personal advisers** must carry out wellbeing assessments and planning for looked after children and care leavers respectively:
    - If a wellbeing need is identified, a wellbeing plan must be prepared. The

plan must outline the need, what interventions are necessary to meet that need and detail on how interventions will be provided (if they can), monitored and reviewed

- Other assessments and planning around that child or young person should be integrated within this wellbeing plan
- In developing the plan, the views of the child or young person must be sought and considered

○ **Personal advisers** must be assigned to looked after children and care leavers in certain circumstances. Personal advisers have the following functions:

- Providing advice (including practical advice) and support
- Participating in the wellbeing assessment and plan
- Participating in reviews of the wellbeing plans
- Liaising with other practitioners involved in the plan
- Coordinating services mentioned in the plan
- Remaining informed about progress and wellbeing
- Keeping in regular contact with the child or young person
- Keeping a written record of contacts and services

○ **Independent Reviewing Officers** are responsible for reviewing wellbeing plans for looked after children. The core duties of Independent Reviewing Officers are:

- Monitoring the performance of the Minister's functions in respect of children on protection plans and looked after children
- Participating in case reviews of looked after children

- Ensuring that the voice of the child is given due consideration by the Minister
- The **Virtual School** supports looked after children to ensure they receive their full educational entitlement and their educational needs are met. The core remit of the Virtual School is:
  - Oversight of the educational achievement of looked after children
  - Lead on planning via Personal Education Plans
  - Coordinate corporate parenting response to educational achievement
  - Monitor performance of Virtual School on educational achievement

## Wellbeing assessments and plans for looked after children and care leavers

A wellbeing assessment must be carried out for each looked after child and care leaver to determine their needs and what targeted intervention would be appropriate to meet their needs. This is not to be confused with the process outlined in the [Guidance on Working Together in Jersey](#) which should be used for children who are not in care or care leavers.

369. If you are a social worker, you must carry out a wellbeing assessment on an ongoing basis for each looked after child on your caseload. Their needs are dynamic, and the assessment should reflect this.

370. You should consider each child's needs and any safeguarding risks in all contexts. This includes the child's care setting, as well as the community, their school, peer groups and online spaces.

371. You should ensure you have a full understanding of the contextual risks children face in Jersey, as well as contextual risks specific to the child whose needs you are assessing. Conversations with colleagues, children and young people will contribute to your understanding of contextual risk, and this understanding should be used to inform

wellbeing assessments and subsequent planning.

372. This assessment should support you to develop their wellbeing plan (care plan) if you identify a wellbeing need. Other assessments will be relevant to, and should be considered by, this assessment for looked after children, including assessments conducted by health care (i.e. an initial assessment carried out by a medical practitioner).

373. If you are a personal adviser, you may carry out a similar wellbeing assessment on an ongoing basis for each care leaver on your caseload - this assessment supports you to develop the wellbeing plan (pathway plan) for that child if you identify a wellbeing need.

374. Your assessment should determine any wellbeing needs of that individual. The wellbeing of children and young people is understood in relation to eight areas of wellbeing. These [eight indicators of wellbeing](#) are the basic requirements for all children to grow and develop and reach their full potential.

<b>Safe</b>	<b>Healthy</b>	<b>Achieving</b>	<b>Nurtured</b>
<b>Active</b>	<b>Respected</b>	<b>Responsible</b>	<b>Included</b>

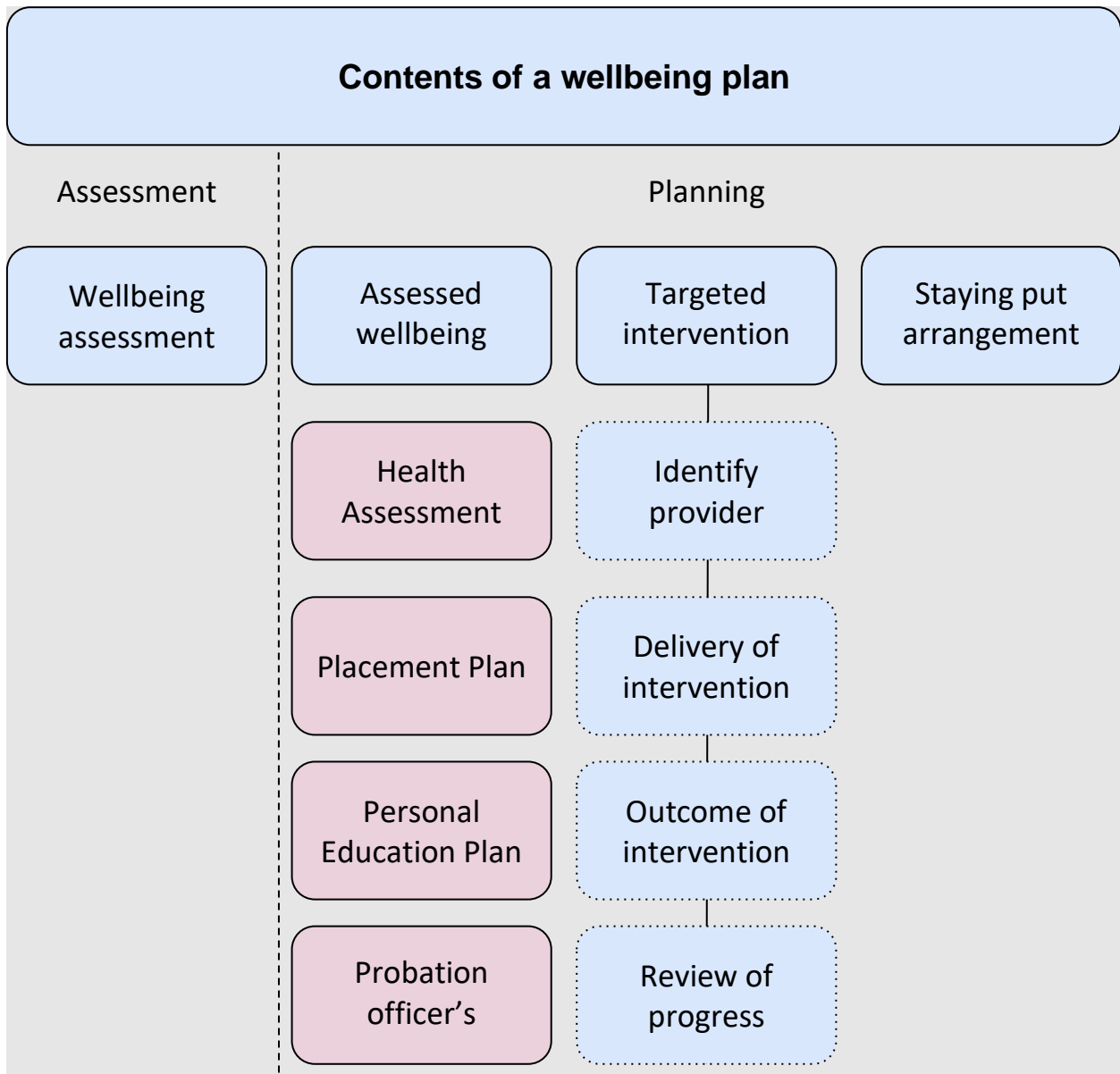
375. If you identify needs against any one of these indicators, you must draw up a wellbeing plan, as soon as possible. The wellbeing plan must include:

- Your wellbeing assessment, including identified need(s). Each wellbeing indicator must have a statement considering whether there is a need, and to what extent.
- Any targeted interventions to meet those assessed needs. Interventions might include services, programmes and activities under the following areas:
  - i. Accommodation and housing
  - ii. Health care
  - iii. Education, training, and employment
  - iv. Social, emotional, and behavioural development
  - v. Social presentation, practical and self-care
  - vi. Finances
  - vii. Identity and belonging
  - viii. Relationships and family contact

- The details of any staying put arrangements.

376. The wellbeing plan is the central planning document that should consider all planning in relation to that child or young person. You are responsible for ensuring any other planning is integrated into the plan, even if they are completed via parallel processes.

377. Where the wellbeing plan is for a looked after child aged 14 or older, you must include details around planning to transition away from care, including any staying put arrangements. You should complete this part of the plan in conjunction with the child's personal advisor, if they have been appointed.



378. When you draw up the plan, you must include details on how the targeted intervention will be implemented, who will provide and deliver the intervention, outline the intended outcome and how progress will be monitored. Ensure that your plan responds to the following questions:

- a. Who is responsible for delivering the intervention and have they agreed to deliver the intervention? Remember, the intervention can only be put in the plan if the provider agrees it can be delivered.
- b. How will the intervention be implemented?

c. How will I monitor the progress of the child? When should I review progress?

379. You are expected to consider the following service areas in both the care and pathway plan, although the exact offer for looked after children and care leavers will not always be the same and will change over time. The following outline is an illustration of what you might consider for different services areas. Where relevant, this outline distinguishes between the looked after children and care leaver offer.

380. **Accommodation and housing:** you should outline the arrangements for the accommodation and housing for the child, as far as is reasonably practicable. For looked after children this concerns their placement plan, which should be integrated within their care plan. These arrangements might include:

- a. A potential return to parents
- b. The child being cared for by extended family
- c. The child being adopted or living in foster care
- d. The child living within a children's home or other care setting

381. If the child is aged 14 or above, you should consider a staying put arrangement.

382. For care leavers, your plan should ensure the care leaver is able to access, if they wish, their entitlement as per the Care Leavers' Offer (e.g. home starter kit and grant to be used to buy furniture and white goods). You should outline their arrangements for accommodation and housing, and should provide options and advice to support independent and semi-independent living. This advice might include supporting the care leaver to find and move into suitable housing.

383. **Health care:** you should consider the physical and mental health needs of the looked after child or care leaver, supporting them to be assessed by a suitably qualified and experienced medical professional. For looked after children, this concerns their health assessment which should be integrated within their care plan. There should be an initial screen conducted by CAMHS to understand mental health needs if this is indicated by an identified wellbeing need. Planning should consider what health services, medications and treatments are required to meet the assessed needs.



384. **Education, training and employment:** you should consider the education, training and employment needs of the looked after child or care leaver. For looked after children, this means making sure that their Personal Education Plan is completed with their designated teacher. Like any other assessment or plan, Personal Education Plans should evolve with the child throughout their time in care and look at progress on attendance, engagement, discipline, progress and attainment.
385. For both looked after children and care leavers, you should consider their aspirations for the future, ensuring that any targeted interventions align as much as possible.
386. **Social, emotional and behavioural development:** You should consider the social, emotional and behavioural development of looked after children and care leavers, ensuring that any difficulties they face in this realm are addressed with appropriate support. For looked after children, this may involve a behavioural screening test, such as a Strengths and Difficulties Questionnaire (SDQ). If a behavioural screening test indicates that a looked after child has a social, emotional or behavioural problem, you should make a referral to CAMHS or another relevant service where appropriate, to ensure the right support is in place.
387. **Social presentation, practical and self-care skills:** When creating a wellbeing plan, you should have consideration of a looked after child or young person's social presentation and self-care skills. Both are an important aspect of development, and should be actively promoted. This could include ensuring they have access to a wide range of social activities and opportunities.
388. **Finances:** You should consider the financial needs of looked after children and care leavers to support them to access opportunities, including school and social activities. *Ad hoc* financial intervention around clothing and transport might also be considered here. For care leavers, you might consider assessing how much money a care leaver would require to be financially stable and independent, and whether they have the ability to manage their own finances. Personalised budgets for looked after children and care leavers might be considered within plans where appropriate and with consideration for the age and maturity of the child.
389. **Identity and belonging:** When developing a wellbeing plan you should consider activities that can support a looked after child or care leaver develop a

strong sense of identity and belonging. For example, activities outside the care system where looked after children and care leavers can meet others with a similar background. For mixed heritage children and young people, these environments provide an important space where racial and cultural identities can be promoted.

390. **Relationship and family contact:** You should consider the best interests of the child when planning their contact with their family while in care, as well as any other relationships that might have an impact on their wellbeing. You should listen to the child to ascertain their views on individual relationships. Arrangements around these relationships should be included within the plan.

391. **Other:** other assessments and planning, including a probation officer's assessment in connection with a parish hall inquiry into an allegation that an offence has been committed, may be used as part of your initial assessment and where a need is identified, subsequent planning for a looked after child or care leaver. You might also consider the following about a child:

- a. if they are an unaccompanied asylum-seeking child (UASC) and / or their immigration / residence status is unclear
- b. if they are in or leaving custody, or have had any contact with the criminal justice system
- c. if they are a young parent
- d. if they are living outside Jersey
- e. if they are going through a difficult time in their personal life (e.g. bereavement)

392. The plan should help to establish and maintain strong and supportive relationships to give looked after children and care leavers stability and resilience that continue into adulthood.

393. Multiple agencies are involved in the management of a wellbeing plan for looked after children and care leavers (care or pathway plan respectively):

- a. If you are a social worker for a looked after child or a personal adviser for a care leaver, you coordinate the wellbeing plan. A looked after child may have a personal adviser as well as a social worker as soon as they are appointed after the child's 14th birthday.

- b. If you are an Independent Reviewing Officer for a looked after child, you are responsible for reviewing the wellbeing plan to ensure planning is in the best interests of the child. (See [Reviewing Planning](#) for more detail on your role as IRO).
  - c. If you are responsible for delivering an intervention in the wellbeing plan, you must provide that intervention. If you are responsible for a third party delivering an intervention, you must ensure the intervention is delivered in accordance with the wellbeing plan. You should work with the social worker to deliver the plan and contribute an assessment of progress to the Independent Reviewing Officer when reviewing their plan.
394. A care planning meeting is convened by the social worker to prepare, agree and review the plan for a looked after child. A pathway planning meeting is convened by a personal adviser. The purpose of these meetings is to coordinate and agree the arrangements linked to the plan. The meeting should cover specific actions to be taken on the ongoing assessment of wellbeing and delivery of the plan, individual roles and responsibilities linked to those actions, and any information sharing arrangements required.
395. If you are coordinating the planning process, you should be aware that you may not have the holistic picture of the child or young person, especially if you are not the first professional in the child's chronology and / or if that child has longer or more intense relationships with other partners. You should always factor the quality and endurance of all the child or young person's relationships with adults when coordinating the planning process.

## **Engagement with looked after children and care leavers in planning**

396. You ( the child's social worker and / or personal advisers) are the single point of contact for the looked after child or care leaver, so you must ensure that their views are heard and listened to during any assessment and planning. You should also ensure that they have a sense of ownership over their plan, and should inform them about decisions and progress on outcomes. Their effective participation includes being able to give feedback on the delivery of the plan.

397. You should ensure that looked after children and care leavers are aware of the full range of support they are entitled to under the Support Entitlement (looked after children) and Care Leavers' Offer (care leavers). You should manage expectations of what is deliverable when planning for looked after children and care leavers.
398. You should give due consideration to the differences in circumstances and needs between looked after children and care leavers when conducting wellbeing assessments and plans, including the age and maturity of the child or young person, their voice, their best interests and their independence.
399. If you are no longer responsible for that child for whatever reason (such as changes in resource allocation or employment), you should ensure a proper handover is completed, ensuring all information from assessments and planning is transferred to the next social worker or personal adviser. You should involve the child in this process.

## **Recording of assessment and planning**

400. If you are a looked after child's social worker or a personal adviser you are responsible for collating information in relation to that looked after child or care leaver. This information should be collected within the information sharing arrangements (see [Guidance on Information Sharing](#)).
401. You are also responsible for recording the information collected within the wellbeing assessment and planning process. This means:
- a. Recording minutes from planning meetings and circulating the minutes with partners who attended and/or are included in the planning process.
  - b. Creating an action and decision log for each child or young person and circulating this log with partners who are assigned against actions and decisions.
  - c. Distinguishing between fact and opinion. It is important to note where a practitioner is expressing an opinion in relation to proposed actions and decisions in the planning process.

- d. Ensuring the rationale behind each decision is recorded. For example:
  - i. If a decision does not align with the wishes and feelings of a child, you should state the reason.
  - ii. If there is professional difference on the plans for a child or young person, differences including concerns and objections should be noted. Any decisions should also be set out.
- e. Outlining, clearly, any wishes and feelings of a child or young person, and their family / carer. You should record this accurately, using their own words wherever possible and any other devices used to communicate such as pictures and/ or drawings.

402. Your recording of information should be done in a respectful and non-judgemental way to create a sense of ownership of the plan among all involved, especially for the child or young person. Documentation produced in the processes described in this guidance should be reviewed for this reason before being circulated.

403. Your recording of information should be clear and accessible to ensure the child or young person, and family / carer(s), are able to access and understand their records. The child or young person, and their family / carer(s), should have the ability to challenge and, in line with established internal and external processes, complain about the way in which their information has been recorded.

404. If you have a role supervising or managing social workers or personal advisers, you should regularly review the information recorded by them to ensure that it meets standards for practice.

## **Evaluating planning**

405. You (the child or young person's social worker or personal adviser) are responsible for setting out outcomes for the looked after child or care leaver in the plan. Planning meetings should look at progress against these outcomes - as the coordinator of these meetings, you should ensure other partners are accountable for their role in delivery.

406. When setting outcomes for looked after children and care leavers, you should consider two things:

- a. How well does the child feel they are doing?
- b. How well do you think the child is doing?

407. You are responsible for coordinating the information input into any assessment of progress against agreed outcomes on a regular basis.

408. If outcomes are not being met as expected, your plan is no longer effective. You are expected to have contingencies in place for the situation whereby outcomes are not being met and your plan is no longer effective. If your response to an ineffective plan, including contingency planning, fails to rectify the situation you should escalate this to the Independent Reviewing Officer.

## **Reviewing planning: Independent Reviewing Officers**

409. You (Independent Reviewing Officers) are responsible for reviewing wellbeing plans for looked after children only (not care leavers) and must do so in accordance with written policy issued by the Minister for Children and Education.

410. You must do this as soon as possible following a child being taken into care and at regular intervals set out in the written policy.

411. You must be a social worker with sufficient relevant experience of working with children and families necessary to support the effective scrutiny of the planning around looked after children. You must be independent from the professionals involved in the cases you are asked to review:

- a. You must not be involved, or have been involved, in preparing or managing the child's wellbeing plan.
- b. You must not be their personal adviser.
- c. You must not have any management responsibilities for the child, or any control of resources allocated to that child.

412. You have five statutory duties in response to each child. You are responsible for:

- a. Monitoring the performance of the Minister's functions in respect of children

on protection plans and looked after children.

- b. Participating in case reviews.
- c. Ensuring that the voice of the child is given due consideration by the Minister.
- d. Carrying out any other given function.
- e. Applying guidance issued by the Minister.

413. **Performance:** in addition to monitoring performance around looked after children, you are responsible for chairing child protection conferences. These conferences involve the lead professional (social worker), relevant providers responsible for providing interventions in line with the plan and a child's family to make decisions related to the child's health, development and safety. Following this conference, a child protection plan is created. As the chair, you are responsible for ensuring that the conference and planning are completed within agreed timescales and standards outlined in Jersey Care Commission guidance. You are also responsible for reviewing the effectiveness of these plans.

414. Your monitoring of performance of this cohort might also extend to:

- a. scrutinising, developing and quality assuring related policies and standards.
- b. contributing to departmental reporting on outcomes.
- c. contributing to strategic planning of service provision.

415. **Reviews:** you are also responsible for reviewing wellbeing plans for looked after children. You should be satisfied that the plan is working in the best interests of the child by meeting their identified wellbeing needs. You should consider:

- a. How well the targeted interventions are being delivered.
- b. How much progress has been made against the outcomes outlined.

416. In reviewing planning around child protection and looked after children, you are expected to scrutinise and challenge delivery and implementation by the social worker

and other relevant providers who are responsible for interventions under the plan. If the plan is not effective (that is to say, not meeting expected outcomes) you are responsible for chairing a review meeting. As part of the review meetings, it is expected that you:

- a. Ensure good attendance and contribution from all practitioners involved in the planning. Review meetings are multi-agency meetings and should not proceed without the Lead Worker present. The purpose of the review meeting is to consider and agree on any proposed changes to the wellbeing plan.
- b. Facilitate full participation of the child and their family / carer(s). The review meetings should be child-centred, and should consider the wishes and feelings of the child and their family / carers. If appropriate, the child should be present for part of the review, or their views ascertained ahead of the review. Where appropriate, the same should be expected of their family / carer(s).
- c. Keep a record of the meeting and hold this record in line with expected data protection standards.
- d. Share and monitor actions, decisions and / or outcomes from the meeting, including sharing with the child, their family / carer and relevant practitioners.

417. Any recommendations you make in relation to a child or young person should be submitted to the Lead Worker of that child or young person and it is expected that these are signed off. If the Lead Worker (a social worker) disagreed with your recommendations, you should hold a meeting with the Lead Worker to understand and record their concerns with the recommendations. If this meeting fails to resolve the differences you are expected to escalate this to their supervisor.

418. There is an option to escalate through the Jersey Family Court Advisory Service. Ultimately, in line with the Law, your last point of escalation is the Director General for Children and Young People Services.

419. **Voice of the child:** When monitoring the performance of those fulfilling the Minister's functions (and when reviewing planning in relation to child protection and looked after children) you must consider the extent to which the child's participation, their wishes and feelings, in the process has been heard and listened to. You must be satisfied that in planning for that child, practitioners have given their voice due consideration. Due consideration can be evidenced by – amongst other things – evidence



that

- a. the child is provided the opportunity to communicate their wishes and feelings based as much as possible on their understanding of the information relevant to their situation.
- b. the child is heard by all practitioners involved in planning - each practitioner is aware of the wishes and feelings of the child and where possible this has been communicated to them in the child's own words.
- c. in planning meetings, practitioners discuss the extent to which the planning should take into account those wishes and feelings and record the reasons for following or not following the wishes and feelings of the child.

## Virtual School

420. All children and young people should grow up in a safe and nurturing environment, surrounded by adults who love and support them. However, looked after children typically have lower educational achievement than other children. Promoting their educational achievement is a duty of the Minister for Children and Education. The objective is for there to be no disparity between the educational achievement of children in Jersey based on their care status.

421. As part of this, looked after children are supported by the Virtual School to ensure they receive their full educational entitlement, and that their educational needs are met. Full educational entitlement means that the child or young person should be in a school (not on a part time timetable), and that they have access to a full and relevant curriculum that meets their needs and aspirations. This is the same entitlement as any other child in Jersey.

422. The Virtual School Head is the individual appointed by the Government to do this. Your role covers:

- a. Oversight of the educational achievement of looked after children
- b. Lead on planning (Personal Education Plans)
- c. Coordinate corporate parenting response to educational achievement

d. Monitor performance of Virtual School on educational achievement

423. **Oversight:** you (the Virtual School Head) are responsible for promoting the educational achievement of looked after children as a cohort. You should be familiar with the cohort, their care setting, their school and their progress as a result of their Personal Education Plan. You should be alert to the needs of the cohort, especially how their care status and associated needs impact their ability to access, engage, and succeed in school.
424. A number of looked after children will be placed off-Island - you are expected to oversee off-Island placements to ensure that they are to standard (schools inspected to 'good' or 'outstanding' standard).
425. You are also expected to have oversight over children who have previously been in care, including care leavers, albeit to a more limited extent. You are expected to ensure that these children, and their family/ carer(s), have access to advice and information linked to educational achievement.
426. **Personal Education Plans:** you should be content that individual plans (Personal Education Plans) are in place for the child's education, which are integrated into their wellbeing plans (care plan), and you must monitor the delivery and outcomes of the plans. As part of individual planning, you should ensure each child is designated a teacher responsible for the delivery of their plan in school.
427. Looked after children must be able to participate fully in the planning process, according to their age and maturity. They must also be able to inform the provision of their education, including the development and implementation of their Personal Education Plan. The planning should take into account that the aspirations of the child and educational achievement should not be defined narrowly, especially if doing so would conflict with the aspirations of the child.
428. You should ensure that each Plan is effective and, if not, take steps to rectify this by ensuring that each Plan is outcomes-based and is reviewed at regular intervals. You should consider each Plan an evolving document that follows the child through their care and school journey. It should evolve to take into consideration the changing needs and aspirations of the child with respect to their educational achievement.
429. **Corporate parenting:** you are the lead on educational needs and achievement

among corporate parents and you should coordinate the planning of corporate parents in relation to education. Education and training are key elements of the services expected for looked after children - you should lead on supporting other corporate parents to understand their responsibilities around education and training, advising them on how to promote the educational wellbeing of looked after children, either through direct provision of services or strategic planning, and in some cases challenging corporate parents who are not meeting their responsibilities in this regard.

430. **Monitoring performance:** you should be collecting data on educational achievement and the factors relevant to educational achievement, such as:

- a. Attendance
- b. Progress
- c. Discipline
- d. Attainment
- e. Self-assessment by the child
- f. Long-term outcomes

431. This information should be collected on an individual and aggregate level with a view to identifying common themes. This information may be collected and shared as part of the arrangements outlined for corporate parents around information sharing. See [Guidance on Information Sharing](#).

432. You should establish strategic and intermediate outcomes for the Virtual School and use information to inform key performance indicators linked to each of these outcomes.

## Personal advisers

433. Looked after children have the same needs as other children – to be loved, cared for and feel safe. Children who have been in the care of the Minister may require additional support as they leave the care system to begin successful independent lives. You (as a personal adviser) should act as a guiding hand in helping the young adult transition out of the care system and into adulthood.

Who is entitled to a personal adviser?

Child in care aged 14 and above	Yes, in all cases
Care leavers under the age of 22	Yes, in all cases
Care leavers aged 22 to 24	Yes, upon request of the young person

434. You may be assigned to a child as soon as possible after their 14th birthday. Pre-planning is important so that a personal adviser can be assigned to the child as soon as they turn 14. It would be best practice to arrange a meeting between the personal adviser and the looked after child ahead of their 14th birthday.
435. You may be assigned to a care leaver under the age of 25. For those aged 22 and above, you are their personal adviser on their request - they may also choose to no longer have a personal adviser.
436. In some instances, you may be assigned to a child in care or care leaver who has complex health or development needs. In this instance, processes to transition to adult social care will take over in conjunction with their social worker (transition to adulthood pathway).
437. Given the time frames in which a personal adviser may be allocated (14 to 25), it is likely that you will not be in the role of personal adviser for the whole of that time period. Therefore, you are responsible for being part of a comprehensive handover, as the outgoing or succeeding adviser, linking in the child's social worker where the child is in care.
438. You should take time to build a strong, trusted and supportive relationship with the child or young person. These children or young people should expect to be supported by an adviser who they can confide in, subject to information sharing arrangements and expectations, and who they can trust to have their best interests as a primary consideration. Their personal attributes, hobbies and interests, goals and aspirations are all important sources of information for your role and will be relevant to your input into care planning and your lead role in pathway planning. You are expected to be familiar with the child's chronology, particularly their care history and their wellbeing assessments/ planning.
439. Your functions are to:

- a. Provide advice (including practical advice) and support
- b. Participate in the wellbeing assessment and preparation of the wellbeing plan
- c. Participate in reviews of the wellbeing plans
- d. Liaise with other practitioners involved in the wellbeing plan to ensure effective implementation
- e. Coordinate the provision of services mentioned in the wellbeing plan and enable the child or care leaver to make use of those services
- f. Remain informed about the child or young person's progress and wellbeing
- g. Keep in regular contact with the child or young person. In the case of a care leaver who is under the age of 22, contact (in so far as is reasonably practicable) should be at least on an annual basis, even if the care leaver no longer requires any of the services mentioned in the care leaver's wellbeing plan, or no longer lives in Jersey
- h. Keep a written record of contacts with and services provided to the child or young person

440. **Advice and support:** you are part of a multi-agency system of corporate parents ensuring that looked after children and care leavers are healthy and safe, have the same opportunities as their peers, and can move successfully into adulthood. You should support them by providing a space for them to speak and be heard, and offer advice that meets their needs. You should also support them to access and make best use of their entitlement. An example of this might be providing practical housing and budgeting support, or helping them fill in forms to engage a service provider.

441. **Wellbeing assessment and planning:** Under the age of 18, the social worker is the Lead Worker coordinating wellbeing assessment and planning (care plan). You are expected to participate in this process (care planning meetings), providing information and contributing to decision making and planning.

442. Over the age of 18, you are the Lead Worker coordinating wellbeing assessment and planning (pathway plan). You are expected to coordinate the process (pathway

planning meetings), inviting other partners to contribute to decision making and planning and monitoring outcomes of the planning.

443. Consideration should be given as to when and in what circumstances the personal adviser becomes the Lead Worker ahead of the 18th birthday, in line with the considerations of best interests of the child and taking into consideration their wishes and feelings.
444. **Reviews:** you are also expected to be involved in the review process which is led by the Independent Reviewing Officer.
445. **Collaboration:** there are a number of partners expected to work with looked after children and care leavers, including corporate parents. Corporate parents are named in law as responsible for discharging functions towards looked after children and care leavers. You are expected to work with other corporate parents to support the child or young person, especially those relevant to their wellbeing plan. When you are leading on the pathway plan for care leavers, you are also expected to coordinate the services mentioned in the plan who are responsible for delivering targeted interventions and enable the child to make use of the services.
446. **Monitoring outcomes:** a long-term, outcomes focused approach should be taken to ensure all looked after children grow and develop and reach their full potential. You should use the tools in the Practice Model, for example by setting aspirational goals with the young person in their wellbeing plan supported by SMART actions. Record the monitoring of outcomes, for example by measuring progress against each goal at review meetings. The Outcomes Star is an example of a tool that could be applied.
447. **Regular and frequent contact based on preference:** you should maintain regular contact with the child or young person. The regularity and form of contact is dependent on balancing the child or young person's preference, situation and set of needs. This could range from having weekly check-ins in-person to monthly phone calls. In some cases, this contact will evolve with the child or young person; for example, a child may appreciate a steady rhythm of contact to talk through daily problems and practicalities of life during a particular period of their lives but may want to transition to less frequent contact as they transition into adulthood.
448. For care leavers, you should adopt an approach that recognises their independence and changing dependence on you and others for support. Care

experienced children have the same needs as every other child and while parents do not break off all contact with their children when they leave home, you should be mindful to review the frequency of contact.

- a. **They need to know the support is there and won't change:** The transition from care and into adulthood will be at times stressful for some and those young people should feel supported, and understand that there is someone to talk to if they want to. Checking in with care leavers supports them by reminding them that someone is looking out for them. It also means that if situations change, support can be reinstated if they so desire.
- b. **They need to know that the support respects their maturity and independence:** you may want to reduce the regularity of contact to an annual basis in line with the minimum requirement set out in the Law. There may be instances when the young person does not need the assistance of a personal adviser anymore.

449. **Record:** you are expected to keep a written record of any contact and services provided to a child or young person as their personal adviser and you are responsible for making sure that it is up-to-date, especially for the purposes of contributing to assessment, planning and review processes.

# 5. Delivery of services for children and young people

## Who should read this guidance

450. You must read and have regard to this guidance if you are a relevant provider:

<u>Relevant provider</u>	
Provider of services for children and young people	Provider of related services

451. **A provider of services for children and young people** means any service or support which is provided exclusively or mainly to, or for the benefit of, children or young people which, in the case of children, means all children regardless of whether or not they:

- a. are looked after by the Minister; or
- b. have needs of a particular type, such as a disability-related need, or a need for additional support in learning.

452. **A provider of related services** means any service or support which is not exclusively provided to, or for the benefit of, children or young people but which nonetheless is capable of having a significant effect on the wellbeing of children or young people.



## What this guidance covers

453. In each four year period, responsible Ministers must prepare and publish a strategic plan in respect of children and young people.
454. For the purposes of this guidance, this plan is referred to as **‘the Children and Young People’s Plan’**.
455. The responsible Minister’s strategic priorities, in regard to services for children and young people, must be set out in the Children and Young People’s Plan. This plan must be for a four year period.
456. As a relevant provider, you must cooperate with the responsible Ministers, so far as is reasonably practicable, to provide services for children or young people in accordance with the Children and Young People’s Plan.<sup>72</sup>
457. This guidance relates to the delivery of services in line with the Children and Young People’s Plan. It covers the following:
- a. Service delivery in line with the aims of the Children and Young People’s Plan:
    - i. Safeguarding, and supporting and promoting wellbeing;
    - ii. Early intervention and preventative action;
    - iii. Integration from the point of view of children, young people and families;
    - iv. Best use of available resources.
  - b. Communicating your service offer
  - c. Evidence-based planning and decision making
  - d. Performance indicators and reporting

### Key documents relevant to this section

The following documents (including guidance, legislation and frameworks) are referenced and linked in this section and should be read alongside this guidance where relevant:

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<sup>72</sup> [Article 9: Implementation of Strategic Plan](#)

- Government of Jersey, [Jersey Performance Framework](#)
- Government of Jersey, [Participation Standards for Children and Young People](#)
- Jersey's Children First [\(Guidance for Practitioners\)](#)

## Service delivery in line with the aims of the Children and Young People's Plan

### Key Points

- Relevant providers must, in so far as is reasonably practicable, cooperate with each other to provide services that are aligned with the Children and Young People's Plan
- This will ensure that services:
  - safeguard, support and promote wellbeing;
  - target intervention upstream;
  - are integrated; and
  - make best use of available resources

458. If you are a relevant provider you must, so far as is reasonably practicable, cooperate with each other<sup>73</sup> to provide services in a way that aligns with the Children and Young People's Plan.<sup>74</sup>

459. If you provide services for children and young people, this means cooperating with other providers to deliver services in a way that aligns with the aims of the Children and Young People's Plan.<sup>79</sup> You should deliver services in a way that:

- a. safeguards, supports and promotes their wellbeing;

<sup>73</sup> [Article 9: Implementation of strategic plan](#)

<sup>74</sup> [Article 8: Aims of the Strategic Plan](#)

- b. ensures that any action to meet their wellbeing needs is taken at the earliest appropriate time and that, where appropriate, action is taken to prevent wellbeing needs from arising;
  - c. is integrated from the point of view of children, young people and families; and
  - d. constitutes the best use of available resources.
460. If you are a relevant provider of related services, this means delivering services in a way which - so far as is consistent with the objects and proper delivery of the service concerned - safeguards, supports and promotes the wellbeing of children and young people.
461. Guidance for relevant providers of services for children and young people on best practice when delivering services in line with the aims of the Children and Young People's Plan is set out below.

## **Safeguarding, supporting and promoting wellbeing**

462. You must, at all times, have regard to the overriding objective of the Law when delivering services for children and young people. That is, to promote and support the wellbeing - and safeguard the welfare of - children and young people.<sup>75</sup>
463. You should, therefore, cooperate with responsible Ministers and other relevant providers to ensure that services are delivered across the Continuum of Need (see [Understanding levels of Need](#)).
464. You should ensure that the delivery of services is aligned with the current practice framework for working with children, young people, and their families. Currently, that practice framework is [Jersey's Children First](#).
465. You should be familiar with the [eight indicators of wellbeing](#)<sup>76</sup> and should incorporate these indicators into service design, delivery and evaluation to ensure that your service actively promotes the wellbeing of children and young people against one or more of these indicators.

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<sup>75</sup> [Article 2: Overriding objective of the Law](#)

<sup>76</sup> [Article 3: Wellbeing Assessments and Indicators](#)

466. You should ensure that all staff within the service are clear and confident on their responsibilities to safeguard children and young people and promote their wellbeing. This includes an understanding of procedures for raising and escalating safeguarding concerns and cooperating in multi-agency arrangements.

467. Listening to the voice of the child is an essential part of understanding and responding to their wellbeing needs and any safeguarding concerns. You should ensure that all staff who come into contact with children and young people as part of your service delivery are appropriately trained on engaging with children and young people. (See [Engagement with Children and Young People](#)).

## Early intervention and preventative action

468. You should recognise the importance of acting early to prevent wellbeing needs from arising, or to prevent the escalation of need, to ensure the most effective outcomes for children and young people.

469. When cooperating to plan the delivery of services, you should target a proportion of provision for children and young people at an early stage to ensure that you can offer support or intervention as soon as need begins to emerge.

## Integrated from the point of view of recipients

470. Services are integrated from the point of view of children, young people and families, if you, as providers of services for children and young people, cooperate with each other to ensure services are planned and delivered in a coordinated way which best meets the needs of children, young people, and their parents.

471. In practice, this means you should:

- a. Ensure a collective understanding of what service provision will best meet the needs of children and young people. This requires listening to what children, young people and their parents say they need from services and evaluating your service to inform future planning and delivery. See [Evidence-based planning and delivery](#);

- b. Have an awareness of the service landscape for children and young people and understand where your service offer sits within this landscape. This will enable you to confidently signpost or refer to, and request specialist support from, other relevant providers where appropriate;
- c. Plan service provision jointly and strategically, including commissioning services together where possible to avoid duplication and promote integrated delivery.

### Implementation plans

472. An implementation plan sets out how you plan to deliver services for children and young people in line with the Children and Young People's Plan. If you are a corporate parent, this plan could contain or be aligned with the corporate parenting plan (see [Guidance on corporate parenting](#)).
473. It is an internal document that sets out the delivery plan for your service. However, the implementation plan, or elements of the plan, may be shared with other relevant providers to promote cooperation and ensure that delivery is joined up. Any information should be shared in accordance with applicable data protection and information sharing law and principles (see [Guidance on Information Sharing](#)).
474. An implementation plan should help you to ensure that your service offer is integrated within the broader landscape of provision for children and young people.
475. An implementation plan might include:
- a. The timeline for delivering the service;
  - b. The anticipated reach of the service;
  - c. Any performance data or evidence on previous service delivery;
  - d. Available information on existing and anticipated service users, and demand for services;
  - e. How the service aligns with existing and expected provision, including projections over time;
  - f. At what level(s) of need the service is best placed to offer support;
  - g. The expected outcomes of the service;
  - h. How the service outcomes will be measured, evaluated and achieved.

476. You should use the implementation plan to support you to monitor progress and performance against your expected outcomes.

## Best use of available resources

477. You can ensure that you make the best use of your available resources by coordinating your service offer with other relevant providers to avoid duplication and identify opportunities to work together.

478. This means having an awareness of existing service provision, working together with other relevant providers to identify opportunities to target provision to meet need, and recognising where another relevant provider is better placed to deliver a service or where there is a clear case for working together with other providers.

479. Targeting service provision upstream, or acting early to prevent the escalation of need, is likely to reduce the need for a more resource-intensive crisis response once a need has escalated.

480. When reviewing how a service is delivered, you may also consider the cost-benefit of that service, as well as service user feedback. As best practice, any information on benefits realisation should be shared with other relevant providers.

## Communicating your service offer

### Key Points

- The services available to children, young people and their families should be communicated to them in a clear and accessible way

481. As a relevant provider, you must publish details of the services you may provide to children, young people and their families at the beginning of each year.<sup>77</sup> Responsible Ministers are also expected to publish details of the services they may provide to children, young people and their families.

482. You should coordinate with responsible Ministers and other relevant providers to ensure that children, young people and their families have accessible information on what

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<sup>77</sup> [Article 12: Requirement to publish information about the provision of services](#)

services are available to them. For example, you might contribute to an online repository where information on available services is centrally collated. You might also proactively explain your services to other relevant providers, especially where there are opportunities to build user pathways and work together more closely.

483. If you are a corporate parent, your duty to publish details of the services you provide to children, young people and their families could be aligned with your responsibility to publish your service offer for looked after children and care leavers (see [Guidance on Corporate Parenting](#)).

## Evidence based planning and decision making

### Key Points

- The delivery of services for children and young people should be evidence-based
- Evaluations of services for children and young people should be undertaken regularly to inform a local understanding of ‘what works’
- An essential part of any service evaluation is feedback from the children, young people and families who use that service

484. The delivery of services in line with the Children and Young People’s Plan will be most effective where planning and decision-making around delivery is evidence-based.

485. Evidence-based planning will help you to ensure that service delivery is effectively resourced, targeted and responsive to the evolving needs of children and young people. You might consider a strategic needs assessment or other methodology to profile current and future demand and need for services. This might be augmented by a gaps analysis to ensure that any planned delivery targets unmet need.

486. Service planning and delivery should be based on ‘what works’. To achieve this, you should ensure that your service is evaluated to assess impact and to derive learning, and / or is linked to evidence on ‘what works’. However, you should keep in mind that ‘what works’ elsewhere may not always translate across contexts and you should review the implementation of any new activity with this in mind.

487. As part of any evaluation, you should ensure that aggregated data on your service is collected and analysed to assess performance against planned outcomes. Your service implementation plan can be used to assist in the design of evaluations. In some circumstances, you might identify resources to independently evaluate services.
488. An important part of any evaluation is getting feedback from the children, young people and parents who use your service. You should routinely seek their views on how effective your service has been at meeting their needs, including how integrated the service is with other providers, to inform service planning and delivery. The [Participation Standards for Children and Young People](#) can support you to ensure that children and young people's views are listened to, and that their contribution is respected and acted upon.<sup>78</sup>
489. Any findings and recommendations that arise from an evaluation of your service should be acted upon to ensure continuous improvement. This might mean, for example, modifying programmes or interventions, redistributing resources, introducing training or making links with specialist providers to improve your service offer.
490. You should share any learning from evaluations of your service with other relevant providers and responsible Ministers to support a collective and informed understanding of emerging trends in need and service demand, and to promote integrated planning and delivery.
491. By contributing to a collective evidence base of 'what works', you will help to ensure that all relevant providers and responsible Ministers have a holistic understanding of best practice and approach when delivering services for children and young people in line with the Children and Young People's Plan.

## Performance indicators and reporting

### Key Points

- Regular reporting on performance and outcomes in relation to the delivery of services for children and young people is best practice

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<sup>78</sup> Government of Jersey, [Participation Standards for Children and Young People](#)



- A performance framework can assist services to establish clear performance indicators and outcomes that are measurable
- A strategic board to be convened by the responsible Ministers will play an important role in reviewing and providing scrutiny of service delivery in line with the Children and Young People's Plan

### Reporting on the Children and Young People's Plan

492. The responsible Ministers must publish a report on the extent to which the Children and Young People's Plan has achieved its aims as soon as possible after the end of the four year period to which the plan relates.<sup>79</sup>
493. The publication of this report, and its presentation to the States, will ensure that the impact and effectiveness of the Children and Young People's Plan is monitored against its stated aims, providing accountability to the children, young people and families that the plan is intended to support.
494. As a relevant provider, you should be prepared to contribute towards this report to inform and direct future commissioning of services for children and young people. For example, by providing information on implementation and delivery, performance data and evaluations, and case studies.

### Introducing a performance framework

495. The statutory duty of responsible Ministers to publish a report at the end of the four year period to which the Children and Young People's Plan relates **does not preclude your service from conducting more regular reporting** on performance and outcomes during the period in which the plan is in effect.
496. Regular reporting on performance and outcomes in relation to the delivery of services for children and young people will enable you to respond and adapt your service to better achieve the aims of the Children and Young People's Plan.
497. For reporting on service delivery to be effective and constructive, you must

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<sup>79</sup> [Article 10: Reporting on Strategic Plan](#)

establish clear performance indicators and outcomes that are measurable. As best practice, you should develop a performance framework.

498. Practitioners at all levels of your service should be clear on:
- a. The intended outcomes of your service at a strategic and operational level;
  - b. How these outcomes will be achieved;
  - c. The key performance indicators by which success in achieving outcomes will be measured.
499. The views of the children, young people and families who use your service on the effectiveness of the service and the extent to which the service meets their needs is an important metric by which performance should be assessed.
500. You should be aware of [Jersey's Performance Framework](#) which measures the progress that Jersey makes towards achieving sustainable wellbeing.<sup>80</sup> Jersey's Performance Framework may assist you to set clear performance indicators and outcomes for your service.
501. A performance framework for your service should be underpinned by a shared vision for what success in achieving outcomes looks like. This vision should be clearly and regularly communicated to all practitioners within your service to ensure practitioners are on the same page and working towards the same outcomes.

#### *External scrutiny and review*

502. The responsible Ministers will convene a board or forum ('the Board') to take strategic oversight of service delivery. The Board will play an important role in reviewing and providing scrutiny of service delivery in line with the Children and Young People's Plan.
503. When drawing up your performance framework for service delivery, you should coordinate with the Board to ensure that your key performance indicators are aligned with the Children and Young People's Plan.

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<sup>80</sup> [Jersey Performance Framework](#), Government of Jersey

504. As a relevant provider delivering services in accordance with the Children and Young People's Plan, you should cooperate with the Board where key performance indicators for your service are not met, or intended outcomes are not achieved.
505. You should be aware of, and should fully cooperate with, other external agencies that play a role in providing external scrutiny of service delivery, including the Jersey Care Commission.

# 6. Review of child deaths

## Who should read this guidance

506. You must read and have regard to this guidance if you are a named safeguarding partner, or are working on behalf of a named safeguarding partner.

Named <a href="#">Safeguarding Partners</a>		
Chief Executive Officer	Chief Officers of the administrations of the States	Chief Officer of the States of Jersey Police Force

507. These individuals are named in the Law and an explanation of which individuals are included in each group can be found in the [Glossary](#).

508. Other strategic leaders and operational practitioners who have a role reviewing the death of a child should also read this guidance to ensure they respond to each child death appropriately.

## Statutory Requirements

509. Safeguarding partners must make arrangements for the review of each death of a child normally resident in Jersey.

510. Safeguarding partners may also, if they consider it appropriate, make arrangements for the review of the death of a child not normally resident in Jersey at the time of death.

511. The purpose of each review is to:

- a. identify any matters relating to the death of a child that is relevant to the welfare of children or to public health and safety; and
  - b. consider whether it would be appropriate for anyone to take action in relation to any matters identified.
512. Safeguarding partners must, at such intervals as they consider appropriate, prepare and publish a report on:
- a. what they have done as a result of the child death review arrangements in place; and
  - b. how effective the arrangements have been in practice.

## **What this guidance covers**

513. This guidance will cover the following areas:
- Roles and responsibilities
  - Family engagement and bereavement support
  - The Child Death Review (CDR) process for expected postneonatal deaths
  - The Child Death Review (CDR) process for unexpected deaths
  - Parallel processes
  - Exceptional circumstances
  - The Child Death Overview Panel (CDOP) and its role in accountability and continuous improvement.
514. This document does not replace any local guidance produced by the Safeguarding Partnership Board (SPB).
515. The death of any child is a tragedy that profoundly affects all those involved in the care of the child. Although it is not a frequent occurrence, it is crucial that both safeguarding partners and practitioners understand their roles and responsibilities when reviewing a child's death.

### **Key documents relevant to this section**

The following documents (including guidance, legislation and frameworks) are referenced and linked in this section and should be read alongside this guidance where relevant:

- Safeguarding Partnership Board, [Child Safeguarding Practice Review procedures](#)
- Safeguarding Partnership Board, [Multi-Agency Procedures in the case of Child Deaths in Jersey](#)
- The Royal College of Paediatrics and Child Health & The Royal College of Pathologists, [Sudden unexpected death in infancy and childhood: Multi-agency guidelines for care and investigation](#)

## Roles and Responsibilities

Safeguarding Partnership Board (SPB)	The Safeguarding Partnership Board (SPB) is responsible for ensuring that a Child Death Overview Panel (CDOP) reviews the death of each child normally a resident in Jersey.
Child Death Overview Panel (CDOP)	The Child Death Overview Panel (CDOP) is a joint panel established between the Islands Child Protection Committee (Guernsey and Alderney) and the Safeguarding Partnership Board (Jersey). It provides the final, independent review of a child's death.
Viscount	The Viscount (usually the Deputy Viscount or a Relief Coroner) will carry out the duty of coroner in accordance with Jersey's laws.
Designated Health Professional for Child Deaths (DHPCD)	<p>The role of the Designated Health Professional for Child Deaths (DHPCD) is to oversee the CDR process and coordinate the multi-agency response.</p> <p>The DHPCD is responsible for</p> <ul style="list-style-type: none"> <li>● ensuring that all relevant agencies are notified of a child's death and involved, where appropriate, in the CDR process;</li> <li>● ensuring that the relevant CDR forms are completed;</li> <li>● ensuring that a key worker for the bereaved family is identified;</li> <li>● convening and chairing the final Child Death Review</li> </ul>

	Meeting (CDRM).
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## Family Engagement and Bereavement Support

### Key Points

- If you are involved in a child death review you should support and engage with the bereaved family
- You should treat bereaved families as equal partners and ensure that you are clear and compassionate in all your communication
- Bereaved families should be appointed a key worker who can act as a single point of contact during the CDR process

516. If you are involved in a child death review, it is crucial that you support and engage with the bereaved family.

517. The core principles of engaging with bereaved families are:

- Treat bereaved families as equal partners following bereavement.** You should ensure that you listen to bereaved families and provide them with opportunities to ask questions and share any concerns.
- Be clear and compassionate in all communication with bereaved families.** Given the emotional impact a child's death can have on a family, you should ensure that all your communication is person-centred. You should treat bereaved families with kindness and respect and use plain and simple language to engage with them.
- Engage with bereaved families throughout the CDR process.** You should ensure that bereaved families are informed about what the CDR process will look like at each stage. You should also give bereaved families ample opportunity to contribute to investigations and meetings, informing them of any outcomes - including lessons learned and actions taken.

- d. **Offer support to bereaved families.** You should be conscious of any support needs that bereaved families may have following the death of a child, and should provide or direct them towards appropriate support. Other staff involved in the care of the child should also be considered and offered appropriate support.

## **The role of key worker**

518. Where possible bereaved families should be provided with a key worker.
519. The role of key worker can be fulfilled by any practitioner. When identifying which practitioner should act as the key worker, partners should consider the needs of the family, the relationship they have with different agencies, and the circumstances around the child's death.
520. The key worker should:
  - o Act as a single point of contact who can provide bereaved families with information and support during the CDR process.
  - o Help coordinate meetings between the family and other professionals involved in the CDR process, for example the Senior Investigating Officer.
  - a. Ensure that the views and wishes of the bereaved family are considered by practitioners during the CDR process. This means representing the voice of bereaved families during multi-agency meetings and ensuring that their questions or concerns are effectively addressed.
521. Outside of the key worker, other agencies involved with the care of the child may also provide support to the bereaved family. For example, in cases where the child is of school age, their school might provide bereavement support to family members and peers.

## **The Child Death Review (CDR) process**

### **Notification**

522. Under current arrangements, all cases of child deaths in Jersey should be notified to the Safeguarding Partnership Board.



## **Expected postneonatal deaths**

523. This is where a child has a long-term illness or life-limiting condition, and death was anticipated.
524. In these cases, the responsibility for determining the cause of death lies with the doctor who signs the medical certificate of fact and cause of death.

## Child Death Review (CDR) process

525. The Designated Health Professional for Child Deaths (DHPCD) will consider which practitioner should be responsible for completing the relevant CDR reporting forms. The DHPCD will also consider which practitioner should act as key worker for the family during the CDR process.
526. After notification and immediate decision-making, the DHPCD will work with other practitioners to gather the information needed to hold a Child Death Review Meeting (CDRM).
527. Once all the relevant information has been collected, the DHPCD will arrange and chair a multi-agency Child Death Review Meeting (CDRM) with practitioners who were directly involved with the care of the child during life, or during the investigation into their death.
528. The purpose of the CDRM is to discuss all matters relating to an individual child's death. This includes:
- a. what is known about a child death to determine, as far as possible, the likely cause of death
  - b. any modifiable factors that may have contributed to the death
  - c. the preventability of the child's death
  - d. any learning arising from the death and actions that should be taken forward to prevent future such deaths

529. The CDRM should also consider on-going support and next steps in relation to the bereaved family.
530. All forms completed as part of the CDR process, including notes from the CDRM, should be anonymised and sent to CDOP.

## **Unexpected deaths**

531. Unexpected deaths are cases where the death of a child was not expected in the 24 hours before the death or before the events that led up to the death. Unexpected deaths trigger a Joint Agency Response (JAR).
532. The purpose of the JAR is to ensure that appropriate agencies are mobilised quickly and effectively to respond to the unexpected death of a child.
533. For the full process for reviewing unexpected deaths, please refer to local guidance published by the Safeguarding Partnership Board<sup>81</sup> and sudden unexpected death in infancy/childhood (SUDI/C) guidelines<sup>82</sup>.

### Immediate decision-making and notification

534. If a child dies unexpectedly at home or in the community, they should be taken to an accident and emergency department.
535. A child should not be taken to an accident and emergency department if the circumstances of death require the child's body to remain at the scene for forensic examination.
536. After a child arrives at the accident and emergency department, they should be examined by the on-call paediatrician. When the child is pronounced dead, the on-call paediatrician should inform the parents, the DHPCD, and the States of Jersey Police so that the death can be reported to the Deputy Viscount.

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<sup>81</sup> [Multi-Agency Procedures in the case of Child Deaths in Jersey](#)

<sup>82</sup> [Sudden unexpected death in infancy and childhood: Multi-agency guidelines for care and investigation](#)

537. The Deputy Viscount (as coroner) must investigate:
- a. violent or unnatural death
  - b. death of no known cause
  - c. all deaths where a person is in custody at the time of the death or living in a children's home or mental health establishment

538. In line with the Inquests and Post-Mortem Examinations (Jersey) Law 1995<sup>83</sup>, the Deputy Viscount will order a post-mortem examination to be carried out as soon as possible by the most appropriate pathologist available. In many cases that examination may need to take place at a regional paediatric pathology centre, for example at Southampton General Hospital, by a specialist paediatric pathologist.

539. The DHPGD should also ensure that all relevant agencies involved with the child are notified of the child's death.

#### Investigation and information gathering

540. In coordinating the multi-agency response, the DHPGD should ensure that a case discussion is held. The purpose of the case discussion is to:

- a. ensure the right support is available for the family
- b. ensure all relevant agencies are involved in the process, and are aware of their roles and responsibilities
- c. identify any safeguarding concerns around surviving children
- d. identify what further investigations or enquiries are required.

541. Depending on the circumstances around the child's death, the States of Jersey Police, forensic medical examiner, consultant paediatrician and DHPGD may make a joint visit to the child's home / scene of the collapse. The purpose of this visit is to investigate the circumstances of the death, support and engage with the family, and identify any

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<sup>83</sup> [Inquests and Post-Mortem Examinations \(Jersey\) Law 1995](#)

safeguarding issues (for example abuse and neglect).

#### Child Death Review Meeting (CDRM)

542. Once the final post-mortem results have been released, the DHPCD will arrange and chair a multi-agency Child Death Review Meeting (CDRM) with practitioners who were directly involved with the care of the child during life, or during the investigation into their death.

543. The purpose of the CDRM is to discuss all matters relating to an individual child's death. This includes:

- a. what is known about a child death to determine, as far as possible, the likely cause of death
- b. any modifiable factors that may have contributed to the death
- c. the preventability of the child's death
- d. any learning arising from the death and actions that should be taken forward to prevent future such deaths

544. The CDRM should also consider on-going support and next steps in relation to the bereaved family.

545. All forms completed as part of the CDR process, including notes from the CDRM, should be anonymised and sent to the Child Death Overview Panel (CDOP).

546. An agreed record of the CDRM and all reports should be sent to the Deputy Viscount.

#### Parallel processes:

547. Practitioners should be aware that there may be separate investigative processes taking place alongside those described in this section of guidance.

548. The States of Jersey Police will usually begin an investigation into the unexpected death of a child. Where there is a criminal investigation, practitioners should consult the Senior Investigating Officer to ensure that any actions taken do not prejudice legal or judicial proceedings.
549. The safeguarding partners may decide to commission a Child Safeguarding Practice Review, following a Rapid Review of a serious child safeguarding incident. Child Safeguarding Practice Reviews should be conducted in accordance with the principles and good practice set out in the [Child Safeguarding Practice Review procedures](#) issued by the Safeguarding Partnership Board. For further guidance on Child Safeguarding Practice Reviews, including the criteria for a review to take place, see guidance on Learning Reviews under [Safeguarding the welfare of children and young people](#).
550. If, during enquiries, concerns are raised in relation to the needs of surviving children in the family, appropriate referrals should be made to the Public Protection Team within the States of Jersey Police and Children's Services. The States of Jersey Police is the lead agency for any criminal investigation and should be informed immediately if there is suspicion of a crime. Children's Services is the lead agency for safeguarding and promoting the welfare of children.
551. In line with the Inquests and Post-Mortem Examinations (Jersey) Law 1995<sup>84</sup>, the Deputy Viscount may hold an inquest into the unexpected death of a child.

#### Exceptional circumstances

552. There may be exceptional circumstances which make it difficult to respond to the death of a child and follow the child death review process as outlined above. In these circumstances safeguarding partners and practitioners should be flexible in how they respond and ensure that they continue to implement - where they can - the best practice principles that underpin the child death review process.
553. For example, if a child dies overseas, the CDOP should work with relevant overseas counterparts to ensure that the bereaved family is supported and all learnings from the child's death are understood.

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<sup>84</sup> [Inquests and Post-Mortem Examinations \(Jersey\) Law 1995](#)

## Accountability and continuous improvement

### Key Points

- CDOP should identify any learnings arising from a child's death and make recommendations to the SPB and other relevant bodies to improve local services and prevent future such deaths
- CDOP should ensure that agencies take forward any actions assigned to them
- CDOP should collaborate with overseas counterparts, for example the Hampshire, Isle of Wight, Portsmouth and Southampton (HIPS) CDOP
- CDOP should publish an annual report on its activities. This should be shared with the Chief Executive Officer and the Council of Ministers

### Child Death Overview Panel (CDOP)

554. Safeguarding partners have a statutory responsibility to review each death of a child normally resident in Jersey and make arrangements for the analysis of information about these deaths. Through appropriate representation, this function may be carried out by the Child Death Overview Panel (CDOP).

555. The Child Death Overview Panel (CDOP) is the final, independent review of a child's death. In Jersey, the CDOP is a joint panel established between the Islands Child Protection Committee (ICPC), Guernsey and Alderney and the Safeguarding Partnership Board (SPB).

556. The CDOP is responsible for:

- a. Collecting and collating information about each child's death, seeking relevant information from professionals and, where appropriate, family members
- b. Analysing the information obtained from the CDR process, as well as parallel processes, to confirm the cause of death, any modifiable factors that may have contributed to death, and preventability

- c. Identifying any other matters of concern affecting the safety and welfare of children, or wider public health and safety, that may arise from a particular death or through a pattern of deaths
  - d. Identifying any learning arising from the death of a child and making recommendations to improve local services and prevent future such deaths
  - e. Collaborating with overseas counterparts, for example the Hampshire, Isle of Wight, Portsmouth and Southampton (HIPS) CDOP.
557. To ensure that CDOP does not interfere with parallel processes, it should only consider a child death review once all other processes are complete. This includes criminal investigations, inquests, and Child Safeguarding Practice Reviews.

### Membership

558. The CDOP is a multi-agency panel. Core membership should include representatives from the following agencies and roles:
- a. The States of Jersey Police
  - b. Children’s Social Care
  - c. Education (if the child was of school age)
  - d. Public Health
  - e. The Safeguarding Partnership Board
  - f. Designated Nurse (Health and Community Services)
  - g. Designated Doctor (Health and Community services)
559. Additional members should be considered, on a case-by-case basis, to inform discussions and support the work of CDOP. For example, from housing or community health care.
560. To maintain independence, some of the membership of CDOP should consist of strategic leaders who are not directly involved with the care of the children or CDR process. Identifying details of the child or practitioners involved in a specific case should be anonymised before being shared with CDOP members.

### **Learning**

561. CDOP should identify any learnings arising from the death of a child and make recommendations to improve local services and prevent future such deaths.
562. Where recommendations for action are directed at a particular individual or agency, these individuals or agencies must be informed.
563. The SPB should disseminate any key findings, learnings and recommendations to relevant partners. This may include practitioners and senior leaders in education, health, Children's Services, early help and the third sector.
564. Members of CDOP should circulate any key findings or learnings within their own agencies. They should ensure that senior leaders, as well as practitioners and others involved in operational delivery, are aware of any issues highlighted. Where appropriate, they should also ensure that senior leaders and practitioners are aware of next steps - including corrective actions.
565. CDOP should ensure that agencies take forward any actions assigned to them, monitoring progress and impact. Agencies should ensure that challenges or underlying reasons as to why an action could not be completed are fed back to CDOP.

#### Collaborating with overseas counterparts

566. CDOP should collaborate with overseas counterparts, for example HIPS. Such collaboration should involve:
  - a. Reporting child death reviews into a joint wider database
  - b. Taking part in themed panels
  - c. Sharing best practice and learnings
567. All collaboration with overseas counterparts should be underpinned by relevant data sharing agreements or a Memorandum of Understanding.

#### **Publishing**

568. Safeguarding partners must prepare and publish a report to meet their statutory



responsibilities. To do this, they may request that CDOP publish an annual report on its activities.

569. The report should include:
- a. What arrangements were made to conduct child death reviews in that year, including partnership arrangements
  - b. How effective those arrangements were and if there was any scope for improvement
  - c. An analysis of cases, identifying any themes around causes of death, modifiable factors, and preventability
  - d. A summary of key learnings and recommendations
  - e. Any formal changes made as a result of a child's death, for example, around processes and procedures, and the impact of those changes.
570. The report should not include any details that could be used to identify a particular child, family, or practitioner.
571. When preparing to publish a report, safeguarding partners should consider how to manage the impact of publication on bereaved families, practitioners and others closely affected by the case. Safeguarding partners should ensure reports are not written in a way that causes any further harm to those affected by the case.
572. Reports should be shared with the Chief Executive Officer and the Council of Ministers.

# 7. Glossary

<b>Adverse Childhood Experiences (ACEs)</b>	<p>ACEs describe a wide range of stressful or traumatic experiences that may occur up to 18.</p> <p>The original ACEs study in the late 1990s referred to ten specific categories of exposure: abuse (emotional / physical / sexual), neglect (emotional / physical), household (mental illness, domestic abuse, substance abuse, divorce and parental incarceration). Other types of adversity include poverty, homelessness, bullying, discrimination, separation from caregiver to foster care or migration.</p>
<b>Appointed person</b>	<p>A person appointed to prepare a wellbeing plan for a child with an assessed wellbeing, health or development need. Under current practice guidance, the appointed person is known as the Lead Worker.</p>
<b>Care leaver</b>	<p>An individual aged 16 up to (but not including) the age of 25 who has been looked after by the Minister for a minimum period of 13 weeks, whether in aggregate or consecutively, from the age of 14 up to (but not including) the age of 18.</p> <p>Or an individual who is of such description as the Minister may by Order specify, and who at any time before the age of 18 was looked after by the Minister but ceased to be so looked after before that age.</p>
<b>Care leavers' offer</b>	<p>The details of the service offer by the Minister for Children and Education for care leavers, the requirement for which is set out in Article 38 of the Law.</p>
<b>Chief Officer</b>	<p>The senior States employee of a department or unit of administration established on behalf of the States.</p>
<b>Chief Officers of the administrations of the States for which the</b>	<p>The following are named safeguarding partners under Article 5 of the Law:</p> <p>The senior States employee of the following departments:</p>

<b>responsible Ministers are each respectively assigned responsibility</b>	<p>Children, Young People, Education and Skills  Health and Community Services  Justice and Home Affairs</p> <p>There is currently no operational department under the Minister for Housing and Communities.</p>
<b>Child abuse</b>	Child abuse includes physical abuse, sexual abuse, emotional abuse and neglect.
<b>Children</b>	Individuals who have not reached the age of 18.
<b>Children and Young People’s Plan</b>	A strategic plan prepared and published by the responsible Ministers in each 4 year period. This is referred to in the Law as ‘the strategic plan’.
<b>Corporate parents</b>	Public authorities, schools and arm’s length bodies with responsibilities for looked after children and care leavers. <a href="#">Corporate parents are named in the Law.</a>
<b>Corporate parenting board</b>	The principal function of the corporate parenting board is to monitor and review the discharge of corporate parenting responsibilities and other functions of corporate parents. See <a href="#">Article 31: Corporate parenting board.</a>
<b>Data protection principles</b>	The sharing of information must be in accordance with the data protection principles under the Data Protection (Jersey) Law 2018: Lawful basis, fairness, and transparency, Purpose limitation, Data minimisation, Accuracy, Storage limitation, Data security, integrity and confidentiality.
<b>Development</b>	Includes behavioural, emotional, intellectual, mental, moral, physical, spiritual, and social development.
<b>Disability</b>	A disability that is a protected characteristic under paragraph 8 (disability) of Schedule 1 (protected characteristics) to the <a href="#">Discrimination (Jersey) Law 2013</a> ; or a ‘learning disability’ or ‘mental disorder’ as defined in the <a href="#">Mental Health (Jersey) Law 2016.</a>
<b>Duty</b>	A legal requirement to carry out or refrain from carrying out any act.
<b>Family</b>	Includes any individual who is a parent of a child and any other individual with whom the child is living.

<b>Health</b>	Physical or mental health.
<b>Health or development need</b>	<p>A child has a health or development need if any of the following apply:</p> <ul style="list-style-type: none"> <li>a) They are unlikely to achieve or maintain, or to have the opportunity to achieve or maintain, a reasonable level of health or development without the provision of service support;</li> <li>b) Their health or development is likely to be significantly impaired, or further impaired, without the provision to that child of those services;</li> <li>c) Their disability or the disability of any other person living with the child is adversely affecting the child’s health or development.</li> <li>d) They are an in-patient at a hospital or an approved establishment for the purpose of receiving treatment in respect of the child’s mental health.</li> </ul> <p>This level of need is equivalent to ‘Child in Need’.</p>
<b>Independent reviewing officer</b>	An individual appointed by the Minister to review a looked after child’s case. See <a href="#">Article 42: Review of looked after children’s cases and appointment of independent reviewing officers.</a>
<b>Lawful basis for information sharing</b>	A lawful basis is required before you share information. For the purposes included in the statutory guidance, this will either be consent of the individual/s concerned or it will be necessary to fulfil public functions.
<b>Lead Worker</b>	The Lead Worker is responsible for preparing, managing and coordinating a wellbeing plan.
<b>Legitimate aim</b>	A lawful reason to interfere with the right to private life ( <a href="#">European Convention on Human Rights, Article 8</a> ), for example the protection of health.
<b>Looked after children</b>	<p>Children who are looked after by the Minister, where ‘looked after by the Minister’ references any of the following as defined in the <a href="#">Children (Jersey) Law 2002</a>:</p> <ul style="list-style-type: none"> <li>a) a child in the care of the Minister;</li> <li>b) a child, other than a child falling within the description in</li> </ul>

	<p>paragraph (c), provided with accommodation by the Minister for a continuous period of more than 24 hours in the exercise of the Minister’s functions under any enactment;</p> <p>c) a child or young person within the meaning of the Young Offenders Law who is required to be detained in custody on remand or following sentence under any provision of that Law, where the place of custody is –</p> <ol style="list-style-type: none"> <li>i. secure accommodation,</li> <li>ii. a young offender institution, or</li> <li>iii. the prison,</li> </ol> <p>within the meaning of that Law.</p>
<b>Minister</b>	The Minister for Children and Education.
<b>Parent</b>	<p>Has the definition given in the <a href="#">Children (Jersey) Law 2002</a> and includes any individual –</p> <ol style="list-style-type: none"> <li>a) who has acquired parental responsibility in respect of a child by virtue of an order made by the Court under the Children Law; or</li> <li>b) who is a child’s guardian appointed under Article 7 of that Law.</li> </ol>
<b>Personal Adviser</b>	<p>A Personal Adviser must be assigned to every looked after child as soon as possible after their 14th birthday. A Personal Adviser must also be assigned to every care leaver under the age of 22. A care leaver who has reached the age of 22 but is under the age of 25 may request a Personal Adviser to stay assigned.</p> <p>Personal Advisers have the following functions:</p> <ul style="list-style-type: none"> <li>● Provide advice (including practical advice) and support</li> <li>● Participate in the wellbeing assessment and plan</li> <li>● Participate in reviews of the wellbeing plans</li> <li>● Liaise with other practitioners involved in the plan</li> <li>● Coordinate services mentioned in the plan</li> <li>● Remain informed about progress and wellbeing</li> <li>● Keep in regular contact with the child or young person</li> <li>● Keep a written record of contacts and services</li> </ul>

<b>Power</b>	A legal discretion to carry out or refrain from carrying out any act.
<b>Related services</b>	<p>Any services or support which are not exclusively provided to, or for the benefit of, children or young people but which nonetheless are capable of having a significant effect on the wellbeing of children or young people.</p> <p>Examples of related services might include leisure services, housing, drug and alcohol services.</p>
<b>Relevant providers</b>	<p>A provider of services for children or young people or a provider of related services.</p> <p>Also see Glossary for: ‘services for children and young people’ and ‘related services’.</p>
<b>Responsible Ministers</b>	<p>Minister for Children and Education  Minister for Health and Social Services  Minister for Home Affairs  Minister for Housing and Communities</p>
<b>Safeguarding need</b>	<p>In relation to a child or young person, means that the child or young person has acute or significant needs, and there is reasonable cause to suspect that the child is suffering, or is likely to suffer, significant harm. The child requires timely statutory and / or specialist intervention to safeguard their welfare.</p> <p>This level of need is equivalent to ‘Child Protection’.</p>
<b>Safeguarding partners</b>	<p>Chief Executive Officer  Chief Officers of the administrations of the States for which the responsible Ministers (apart from the Minister for Housing and Communities) are each respectively assigned responsibility (See definition above)  Chief Officer of the States of Jersey Police Force</p>

<b>Safeguarding Partnership Board (SPB)</b>	<p>Under current arrangements, the Safeguarding Partnership Board (SPB) is a non-statutory body that has responsibility for:</p> <ul style="list-style-type: none"> <li>● promoting understanding of safeguarding;</li> <li>● helping agencies to work together to safeguard children and adults at risk;</li> <li>● monitoring how effectively agencies are working together to keep adults and children safe in Jersey.</li> </ul>
<b>Services for children or young people</b>	<p>Any service or support which is provided exclusively or mainly to, or for the benefit of, children or young people.</p> <p>Examples of services for children and young people might include schools, health visitors, the youth service, child and adolescent mental health services (CAMHS), community wellbeing services for children or young people with additional support needs or complex health needs, youth groups, services to support children through domestic abuse and other adverse childhood experiences, services for young carers, children and families social work, adoption services.</p>
<b>Social Worker</b>	<p>A person registered to engage in that registrable occupation (as defined in the <a href="#">Health Care (Registration) (Jersey) Law 1995</a>).</p>
<b>Strategic plan</b>	<p>A strategic plan prepared and published by the responsible Ministers in each 4 year period. In this guidance, this is referred to as ‘the Children and Young People’s Plan’.</p>
<b>Targeted intervention</b>	<p>A service which:</p> <ol style="list-style-type: none"> <li>a) is provided by a relevant provider;</li> <li>b) is directed, in so far as is reasonably practicable, at meeting the needs of children or young people whose needs are not capable of being met, or met fully, by the services which are provided generally to children or young people by a relevant provider; and</li> <li>c) includes services provided by a third party under arrangements made by that relevant provider</li> </ol>
<b>Team Around the Child</b>	<p>A team of practitioners in place to support a child and their family, attend meetings, work in a solution-focused manner to problem solve, share information appropriately and support the Lead Worker in their role.</p>

	Team around the Child meetings should include appropriate people, ensuring there is no duplication of roles and that families are not overwhelmed.
<b>Universal need</b>	In relation to a child or young person, means that the child or young person requires no additional support beyond that which is universally available.
<b>Virtual School Head</b>	An individual appointed by the Minister to promote the educational achievement of looked after children.
<b>Welfare</b>	Welfare is at the higher end of wellbeing need. If there is a welfare concern in relation to a child or young person, a safeguarding response is likely to be required. See ‘Safeguarding the welfare of children and young people’.
<b>Wellbeing</b>	The wellbeing of children and young people is understood in relation to the <a href="#">eight wellbeing indicators</a> .
<b>Wellbeing need</b>	In relation to a child or young person, means that the child or young person’s wellbeing is, or is at risk of being, adversely affected by any matter.  This level of need is equivalent to ‘Early Help’.
<b>Young people</b>	Individuals who are aged 18 up to (but not including) the age of 25 and who: <ul style="list-style-type: none"> <li>a) are care leavers; or</li> <li>b) have a disability.</li> </ul>

## 8. Further sources of information

The sources of information included in this section are suggestions only. Other reading is also recommended.



The links provided below may become outdated as external guidance is updated or replaced. You should ensure that you are accessing the most recent version of any external source. If in any doubt, you should seek legal or policy input as to relevant sources to support your practice.

## **Jersey's Children First guidance**

[Guidance for practitioners](#)

## **Safeguarding Partnership Board guidance**

[Jersey Safeguarding Partnership Board Child Protection Procedures](#)

## **Child Death Review guidance**

[Multi-Agency Procedures in the case of Child Deaths in Jersey](#)

## **Other relevant guidance or information**

[Participation Standards for Children and Young People](#) (October 2022)

[United Nations Convention on the Rights of the Child](#) (1989)

[Working Together to Safeguard Children](#) (July 2018)