

Deputy Catherine Curtis,
Chair, Children, Education and Home Affairs Scrutiny Panel

BY EMAIL

Dear Chair,

Re: Follow-up matters from the 14 October Public Hearing

Thank you for your letter dated 17th October and your follow-up questions to the matters discussed in the Public Hearing. I have provided my response to your queries below.

- 1. Minister, the Children's Commissioner for Jersey's Annual Report for 2023 recommended extending the ratification of the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) to Jersey. Can you describe if the Government of Jersey will take any action on this recommendation?**

Extending the ratification of the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (OPCAT) is included as a priority for the Justice and Home Affairs Minister's Departmental Plan for 2025.

This protocol acts as an extension to Jersey's long standing commitment to the [Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment \(gov.je\)](https://www.gov.je/Convention-against-Torture-and-Other-Cruel-Inhuman-or-Degrading-Treatment-or-Punishment)

In my role as Assistant Minister for Justice and Home Affairs I am supportive of this priority.

- a. Minister, could the ratification of OPCAT enhance protections for children and young people in Jersey?**

In principle yes. The monitoring arrangements extended to Jersey as a result ratification will require a local system of regular preventive visits and reporting on places of detention by independent bodies known as National Preventive Mechanisms (NPMs).

In addition, protocol signatories are also required to accept visits from the United Nations Subcommittee on Prevention of Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (SPT).

These measures are complimented by the establishment of the independent oversight offered by the Office of the Children's Commissioner and the Jersey Care Commission which offer further enhancement and assurance for the protections of children and young people's rights.

- b. Would the ratification of OPCAT change the current approach to safeguarding children in detention?**

The Minister is satisfied that current children safeguarding practice is fully compliant with the OPCAT.

c. Have you identified any challenges that would arise from the ratification of OPCAT?

No not at present. However, as the monitoring and reporting arrangements are established the Minister is committed to acting on future recommendations and findings made that will improve outcomes for children and young people.

2. Minister, how do you coordinate policies to safeguard children and support children's wellbeing in reference to work that is being led by other Ministers?

The new arrangements for safeguarding children and young people are set out in the Children and Young People (Jersey) Law 2022. The Ministerial Safeguarding Group meets quarterly and provides the forum which allows those Ministers named in the law to coordinate and align policy development to improve children's outcomes.

a. Minister, what has been your involvement with the next tranche of the updates to Jersey's Mental Health Law?

I have a scheduled briefing with policy officers leading this work. I understand that future changes to the mental health law will be phased, which will afford adequate time for me to carefully consider amendments that effect children and young people. Furthermore, all policy proposals prior to any recommendation are scrutinised by the Mental Health Legislation Oversight Group, CAMHS are a key member of this group.

b. Are you aware of what work has been done to specifically assess Child Rights as part of the updates to the Mental Health legislation?

As with any other legislation put before the Assembly, Article 8 of the Children (Convention Rights) (Jersey) Law 2022 places a duty on Ministers (in this case the Minister for Health and Social Services) to have due regard for children's rights when carrying out their functions or formulating policy.

In addition, there is also a statutory requirement to consult the Children's Commissioner on legislation that is likely to impact on children's rights. It is my understanding that there has been ongoing dialogue and multiple briefings between policy officers and the Children's Commissioner on this piece of legislation with specific reference to the legislative gap analysis (2019) and the Concluding Observations of the UN Committee on the Rights of the Child (2023).

3. Minister, what is your evaluation of how Government is assessing Children's Rights before it has to undertake a formal Child Rights Impact Assessment for lodging to the States Assembly?

Article 8 of the Children (Convention Rights) (Jersey) Law 2022 places a duty on Ministers to have due regard for children's rights when carrying out their functions or

formulating policy. Completing a Children's Rights Impact Assessment (CRIA) is not mandatory under this article, although CRIA is one means of demonstrating that the due regard duty has been fulfilled. The first part of the CRIA process is screening, which is a useful tool allowing an assessment to be made regarding whether or not a proposed policy or decision will impact children and their rights, prior to carrying out a full impact assessment.

More broadly, our aim is to embed a culture of considering children's rights across all areas of government. This will not happen overnight, but we are making good progress. This is clearly illustrated by some of the programmes we have introduced that require government to actively consider children's best interests, such as the Children, Young People and Families Plan, Children's Outcomes Executive Committee, the recent changes made to the structure and operation of the Corporate Parenting Board (as I explained in our quarterly hearing on 14 October) and the introduction of Participation Standards for Children.

a. Do you (or your officers / CYPES) provide support or advice relating to Children's Rights?

Officers in the Children's Policy Team in SPPP regularly provide advice and support in connection with the Convention Rights Law, the CRIA process and children's rights in general. A dedicated email inbox CRIA@gov.ie has been set up to receive enquiries in relation to CRIA.

In addition, training resources and guidance have been developed to support colleagues. These include the Children's Rights Scheme (the statutory guidance I published as required by the Convention Rights Law in March 2024), Children's Rights Awareness and CRIA eLearning modules in Connect Learning and both online and face to face training sessions delivered to colleagues across government.

Further information about the support and advice provided to elected members and officials was described in [WQ.307/2024](#).

4. Minister, with reference to CAMHS, we understand that some children and young people are having an Autism assessment through an online process. Can you tell us about how the online assessment process works?

a. What support is available to children, young people and their families during and after they have been through the diagnostic process?

As the scrutiny panel are aware referrals for neurodevelopmental assessments have been incredibly high in recent years (Not just in Jersey, but also in the UK, and Internationally). In 2023, CAMHS had 852 requests for Autism / ADHD assessments in just 12 months. The level of referrals being received is much higher than staff capacity to deliver, adding to waiting list pressures.

As a result, the service has engaged a number of private providers to deliver assessments and add to capacity. An additional £400k Government Plan funding was

allocated for this in 2024. One of these additional providers is an online assessment provider called Options 8, based in the UK. Having an online provider has given some families the option to have the assessment at home, reducing pressure to bring neurodivergent children to clinical appointments with all the impact that can have in terms of social and sensory issues, so has been very welcomed and well received.

The CAMHS lead consultant psychologist manages oversight of all cases allocated to Options 8 and joins the CAMHS Neurodevelopmental service manager and commissioning lead to meet with the Options 8 team quarterly to review cases and diagnostic outcomes, reviewing the quality of work produced, and monthly KPI's submitted.

In 2023, Options 8 completed 76 assessments, giving an autism diagnosis to 60 children / young people. In 2024, to the end of September, they completed 54 assessments, giving an autism diagnosis to 32 children / young people. Feedback received from families has largely been positive regarding their experience.

In terms of the allocation, pre and post support the following process is in place:

1. Referral into CAMHS for a neurodevelopmental assessment.
2. The referral is discussed at a multi-agency meeting (involving representatives from CAMHS, Children Service and Education).
3. Referral accepted/ not accepted; some referrals may have a screening review allocated with a CAMHS Psychologist / Assistant Psychologist at which point an assessment may be recommended and recommendations given.
4. If accepted case rated (based on need and complexity – if rated priority 1 or 2 the child / young person is allocated a care coordinator) and plan is put in place to support the child and family whilst on waiting list for a diagnostic assessment. The service sends 'Am I autistic' booklet providing child with a basic introduction to autism and the assessment process. They also have the opportunity to raise / discuss any issues with clinicians, by using the young person's form; parents and carers can complete this also. Children, young people and families are also invited to the neurodevelopmental service introduction meeting and to any other courses, clinics, interventions that may be relevant and helpful.
5. Families are given the ND support pack and can access the parent carer weekly drop in at YES; and monthly information sessions on topics related to ND.
6. Assessments will be allocated to clinicians / providers by the ND service administrator based on rating and age.
7. Criteria for online assessment is secondary school age and rating level 3.
8. Once the diagnostic assessment has been carried out it is reviewed by the CAMHS lead Clinical Psychologist who allocates someone to implement any recommendations. Cases are allocated in the ND Service weekly allocations meeting.
9. Those not given a diagnosis will be closed to CAMHS but can access the generic offer referenced in the support pack, the drop in and monthly information sessions. There are usually recommendations for support for other agencies, such as education.
10. Those who are accepted will be invited to attend an understanding Autism session – which is currently being piloted. The service intention is to train up, school staff, family partnership workers, social workers, youth worker so that the person who has the best

relationship with the child can deliver this with them, so they feel comfortable and hopefully open to engage. From this a plan is created which again, is being piloted.

11. Feedback from the pilot will be gathered, the sessions tweaked and once ready to go staff trained up to deliver.
12. If ongoing intervention from CAMHS is required, this will be a bespoke offer for each individual dependant results of diagnostic assessments and need.

5. Minister, at our last hearing, we were advised that the draft regulations for independent advocacy would be lodged by the end of the year, after a code of practice is developed. Please can you advise how the development of the code of practice is progressing?

a. Is the timeframe still on course for lodging the regulations at the end of 2024?

I can confirm that I will be lodging the regulations in Q4 of this year. A Code of Practice has now been completed after joint work with those services currently delivering advocacy. The Law Office is completing final checks to ensure consistency between the draft regulations and the Code of Practice.

I have asked officers to engage with the panel to organise a private briefing at your convenience.

During the hearing, in response to a Panel question about zero hours contracts, you indicated that there are 100 zero hours contracts in Children's Social Care and 87 zero hours contracts in Young People's Youth Service.

The Panel would be grateful if you could provide further detail to confirm what the roles are;

The role on the zero hour/bank register:

- Sessional Youth Workers
- Residential Child Care Officers
- Personal Advisors
- Peer Mentors
- Family Conferencing Group Facilitator
- Special Needs Key Worker
- Counsellor
- Outdoor Learning Instructor

How the zero hours contract terms are reviewed for the employees, to ensure that the work has not become regular?

Currently there is no central system in place for recording or reporting the number of hours zero / bank workers undertake. However, heads of service have responsibility for

ensuring compliance with the use of zero hours contracts and ensuring that they are used appropriately. Time sheets are completed, checked and approved by managers and processed for payroll purposes. The zero-hour register is also reviewed periodically to ensure that the zero hours contract remains valid.

How often the zero hours contract terms are reviewed?

The contracts are standard GOJ zero hours contracts and are reviewed by the Law Officers Department. Once issued, they would only be reviewed if there was a change to terms and conditions of employment. The zero-hours register is reviewed periodically to ensure that the zero hours contract remains valid. A recent review has indicated that there are multiple contracts that are not in use and will result in a reduction of the number of zero hours contracts across Children's Social Care. I hope the above is of assistance to the Panel.

Yours sincerely,



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Minister for Children and Families

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