

STATES OF JERSEY



AFFORDABLE HOUSING PROVISION AT THE WATERFRONT (P.37/2024) – CHILDREN’S RIGHTS IMPACT ASSESSMENT

Presented to the States on 4th June 2024
by Deputy H. Miles of St. Brelade

STATES GREFFE

CHILDREN’S RIGHTS IMPACT ASSESSMENT (CRIA)

PART 1: SCREENING

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| Name and title of Duty Bearer: | Deputy Helen Miles |
| Type of Duty Bearer: (Minister, Elected Member or States Assembly Body) | Elected Member |
| Assessment completed by (if not completed by duty bearer): | Duty Bearer and Member’s Resource Team |
| Date: | 29 May 2024 |

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| <p>1) Name and brief description of the proposed decision The subject of your CRIA may be a proposed law, policy or proposition and in accordance with the Law is referred to in this template as the ‘decision’</p> <ul style="list-style-type: none"> • What is the problem or issue the decision is trying to address? • Do children experience this problem differently from adults? |
| <p>Affordable Housing Provision At The Waterfront</p> <p>I made a manifesto commitment that I would support measures to address the housing crisis including, “a proper supply of affordable housing, in appropriate locations” and “voluntary schemes for those who wish to downsize, to assist with the supply of family homes.” There is an ongoing and future need to provide suitable accommodation for citizens and this proposition is intended to contribute towards meeting that manifesto commitment.</p> |
| <p>2) Which groups of children and young people are likely to be affected? Groups of children could include early years, primary or secondary education; young adults; children with additional learning needs; disabled children; children living in poverty; children from particular ethnic backgrounds; migrants; refugees; care experienced children and LGBTQ+ children</p> |
| <p>All children could be affected</p> |
| <p>3) What is the likely impact of the proposed decision on children and on their rights?</p> <ul style="list-style-type: none"> • Identify any potential positive OR negative impacts and include indirect impacts on children and their rights as described in the UNCRC • Will different groups of children be affected differently by this decision? |
| <p>Improving access to good quality housing for children to aid in their development as well as providing them with more space to grow means that they can have a greater amount of privacy. Good quality homes have a direct impact on the standard of living of a child; making it easier for their parents to purchase will positively impact this right.</p> |
| <p>4) Is a full Children’s Rights Impact Assessment required? If you have identified impacts on children and their rights, a full CRIA should be completed. If no impacts are identified then a Full CRIA is not required, but please explain your rationale and how you reached this conclusion</p> |
| <p>Yes.</p> |

Part 2: FULL CHILDREN’S RIGHTS IMPACT ASSESSMENT

| 5) What will be the impacts (positive or negative) of the proposed decision on children’s rights? | | | |
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| For each of the UNCRC articles described below, click to identify any that may be relevant <input checked="" type="checkbox"/> | | | |
| Category | UNCRC Article | Impact? YES NO | |
| Guiding Principles | Non-discrimination (Art 2) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Best interests of the Child (Art 3) to be a top priority | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Right to Life survival and development (Art 6) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Respect for the child’s views (Art 12) | <input type="checkbox"/> | <input type="checkbox"/> |
| Civil Rights & Freedoms | Right to birth registration, name and nationality (Art 7) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Right to an identity (Art 8) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Freedom of expression (Art 13) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Freedom of thought, conscience, and religion (Art 14) Every child has the right to think and believe what they choose | <input type="checkbox"/> | <input type="checkbox"/> |
| | Freedom of association (Art 15) Every child has the right to meet with other children and to join groups and organisations | <input type="checkbox"/> | <input type="checkbox"/> |
| | Right to Privacy (Art 16) including family and home life | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Access to information from the media (Art 17) Right to access reliable information from a variety of sources, in a format that children can understand | <input type="checkbox"/> | <input type="checkbox"/> |
| | Protection against torture or other cruel, degrading or inhumane treatment or punishment (Art 37(a)) | <input type="checkbox"/> | <input type="checkbox"/> |
| Family Environment and Alternative Care | Respect for the responsibilities, rights and duties of parents (or where applicable, extended family or community) to guide their child as they grow up (Art 5) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Responsibilities of both parents in the upbringing and development of their child (Art 18) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Children must not be separated from their parents against their will unless it is in their best interests (Art 9) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Family reunification (Art 10) | <input type="checkbox"/> | <input type="checkbox"/> |

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| | Abduction and non-return of children abroad (Art 11) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Right to a standard of living that is good enough to meet the child's physical and social needs and support their development (Art 27) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Special protection for children unable to live with their family (Art 20) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Best interests of the child in the context of Adoption (Art 21) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Review of treatment whilst in care (Art 25) If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances. | <input type="checkbox"/> | <input type="checkbox"/> |
| | Protection from violence, abuse or neglect (Art 19) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life. | <input type="checkbox"/> | <input type="checkbox"/> |
| Basic Health and Welfare | Rights of disabled children (Art 23) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Right to health and health services (Art 24) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Right to social security (Art 26) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Right to adequate standard of living (Art 27) | x | <input type="checkbox"/> |
| Education, Leisure and Cultural Activities | Right to education (Art 28) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Goals of education (Art 29) Education must develop every child's personality, talents and abilities to the full | <input type="checkbox"/> | <input type="checkbox"/> |
| | Leisure, play and culture (Art 31) Every child has the right to relax, play and take part in cultural and artistic activities | <input type="checkbox"/> | <input type="checkbox"/> |
| Special Protection Measures | Special protection for refugee children (Art 22) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Children and armed conflict (Art 38 and Optional Protocol #1) Governments must do everything they can to protect and care for children affected by war and armed conflict. | <input type="checkbox"/> | <input type="checkbox"/> |
| | Children and juvenile justice (Art 40) Right to be treated with dignity and respect, right to legal assistance and a fair trial that takes account of age. | <input type="checkbox"/> | <input type="checkbox"/> |

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| | Inhumane treatment and detention (Art 37 (b)-(d)) Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible. | <input type="checkbox"/> | <input type="checkbox"/> |
| | Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life | <input type="checkbox"/> | <input type="checkbox"/> |
| | Child labour and right to be protected from economic exploitation (Art 32) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Drug abuse (Art 33) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sexual exploitation (Art 34) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Abduction, sale and trafficking of children (Art 35) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Protection from other forms of exploitation including for political activities, by the media or for medical research (Art 36) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Children belonging to a minority or an indigenous group (Art 30) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Optional Protocol on the sale of children, child prostitution and child pornography | <input type="checkbox"/> | <input type="checkbox"/> |
| | Optional protocol on the involvement of children in armed conflict | <input type="checkbox"/> | <input type="checkbox"/> |

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| 6) Information and research What evidence has been used to inform your assessment? | | |
| Evidence collected (include links to relevant publications) | What did the evidence tell you? | What are the data gaps, if any? |
| https://www.childcomjersey.org/media/1533/lifeontherock080721.pdf | Housing was one of the top five issues that would make Jersey better for over a quarter of children, with concerns increasing as children get older. | Data on the number of children living in substandard or overcrowded housing; Data on child health impacted by inadequate housing |
| https://www.childcomjersey.org/media/1533/lifeontherock080721.pdf | A lack of proper housing stock can lead to over-crowding which impact a child's right to privacy | |
| Child Friendly Planning in the UK: A Review (Jenny | Governments should set up clear links and mechanisms for | |

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| Wood, Dinah Bornat and Aude Bicquelet-Lock) | collaboration between the policy spheres of planning, early years and childcare, play, education, housing and transport. | |
| Children's Commissioner Survey 2018 | 155 of children aged 7-11 said that a priority should be building more houses or making houses nicer | |
| <u>R Children's Rights Impact Assessment ND.pdf (gov.je)</u> | A robust CRIA has been prepared to reflect the elements of the Bridging Island Plan | |

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| 7) Engagement with children What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision? | | |
| Groups consulted | How they were involved | What were the findings? |
| Childrens Commissioner | Reports and Publications – survey and life story work | As reported in Section 6. |

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| 8) Assessing Impact on children's rights Based on the information collected and analysed above, what likely impact will the proposed decision have on the specific children's rights identified in question 5)? | | |
| Relevant UNCRC Articles (rights) identified in Q5 | Describe the positive or negative impacts on these rights | Which group(s) of children are likely to be affected? |
| Non-discrimination | All children have the right to live in adequate housing and this should not be affected by their parent's residential status. That means that all dwellings whether qualified or unqualified should be covered by the regulations. | Children whose parents do not have residential qualifications. |
| Best interests of the Child | Children would be included in the planning process when it comes to building new housing developments | |
| Right to Life survival and development | Appropriate housing would allow children to grow up safely and develop fully. Children's life chances (the factors that affect their current and future well-being) are affected by the standard of their housing | |
| Right to Privacy | Adequate housing would lead to less overcrowding meaning more personal space for the child | |
| Respect for the responsibilities, rights and duties of parents (or where applicable, | Families being able to afford the right house for their family needs would provide parents with the | |

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| extended family or community) to guide their child as they grow up | ability to guide their child in a safe and correctly sized home | |
| Right to adequate standard of living | New homes that are built to a high standard provide a good standard of living for all in them, making these homes affordable would have a positive impact on the standard of living of children | |
| <p>9) Weighing positive and negative impacts</p> <ul style="list-style-type: none"> • If a negative impact is identified for any area of rights <u>or</u> any group of children and young people, what options are there to modify the proposed decision to mitigate the impact? • Could any positive impacts be enhanced? | | |
| <p>Children living with parents with no housing qualifications living in unqualified housing may be negatively impacted in that those families would not be able to occupy accommodation built on the Waterfront under this scheme. Options to mitigate the impact of this would involve and significant policy change in regard to residential status and consequent legislative amendment.</p> | | |

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| <p>10) Conclusions</p> <p>In summary, what are your key findings on the impact of the proposed decision on the rights of Jersey children?</p> |
| <p>These proposals will positively impact on many children in Jersey whose standard of living is negatively impacted by the quality of the housing they are living in. Quotes from children tell us quite clearly that their lives are severely affected by poor housing and the cost of housing. Suitable housing is an entitlement for all children and not a 'nice to have'.</p> <p>The implementation of the Proposition would impact in a positive manner on the rights of Jersey children. This is due to the greater provision of housing ensuring that many children have a higher quality of life and their development, and best interests are not hindered.</p> <p>Affordable Housing on the Waterfront Development has the potential to significantly impact the rights and well-being of many children in the community.</p> |