

# STATES OF JERSEY



## **DRAFT CHILDREN AND YOUNG PEOPLE (INDEPENDENT ADVOCATES) (JERSEY) REGULATIONS 202- (P.87/2024):COMMENTS**

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**Presented to the States on 29th January 2025  
by the Children, Education and Home Affairs Scrutiny Panel**

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**STATES GREFFE**

## COMMENTS

The proposition '*Children and Young People (Independent Advocates) (Jersey) Regulations 202-*' [P.87/2024] (hereafter the 'Proposition') asks the States Assembly to consent to regulations that will introduce a statutory independent advocacy service framework and code of conduct (the 'draft Regulations').

The Children, Education and Home Affairs Scrutiny Panel (hereafter, the 'Panel') received the Minister for Children and Families (hereafter the 'Minister') and Officers for a briefing on a draft version of the Proposition on 6th December 2024. This comments paper will set out the Panel's understanding, in the hope that it may be of assistance to States Members ahead of the debate.

### Background and Rationale

The Children and Young People (Jersey) Law 2022 (CYP Law), enacted in February 2022, aims to improve the wellbeing and safeguard the welfare of children and young people in Jersey. A key feature is the creation of the statutory role of the Independent Advocate, defined in the draft Regulations.

Under Article 44, the CYP Law empowers the States to develop Regulations requiring the Minister to establish independent advocacy services. These services ensure eligible individuals receive impartial support to exercise their rights and express their views on matters affecting them.

Currently provided on a non-statutory basis by commissioned organisations with government financial support, these services operate independently of government influence. The draft Regulations seek to formalise and expand their scope.

### Regulations Overview

The draft Regulations aim to establish a statutory framework for appointing independent advocates to provide support and representation for certain groups of children and young people in Jersey. These advocates are important to ensure that the voices of young individuals are heard in decisions impacting their lives, consistent with the goals of the CYP Law to safeguard their rights and promote their welfare.

Key features of the draft Regulations:

1. Eligible Groups: Independent advocates are appointed to assist:
  - Children with health or developmental needs entitled to a wellbeing plan.
  - Looked-after children.
  - Care leavers.
  - Children subject to welfare safeguarding arrangements.
2. Promotion of Advocacy Services: The Minister must ensure that advocacy services are accessible to eligible individuals by:
  - Distributing materials in schools, community centers, and healthcare settings.
  - Running awareness campaigns on social media.

- Collaborating with organizations working with children and families.
3. Scope of Advocacy Services: Advocates provide:
- Assistance in understanding relevant laws and exercising rights.
  - Support for expressing views, wishes, and feelings effectively.
  - Help in filing complaints or representations under the CYP Law.
  - Termination of Services: Clear notice is required when advocacy services are terminated, ensuring individuals are informed promptly.
4. A Code of Practice will accompany the Regulations to ensure their consistent application. It includes:
- An explanation of advocacy's role and importance.
  - Eligibility criteria for statutory advocacy services.
  - Guidance on processes like non-instructed advocacy, managing conflicts, and safeguarding.
  - Principles for planning, commissioning, and reviewing advocacy providers.
  - Support mechanisms for advocates and criteria for their suitability.

The Code will be made publicly available when the Regulations take effect.

### **Observations**

When the Panel was initially briefed about the Proposition, it asked whether siblings of children taken into care would also be included in the scope and be able to benefit from independent advocacy services. The Panel was advised by Officers that connected siblings would not fall within the scope of the draft Regulations. However, the Panel was assured by Government Officers that the Minister has discretion to include them and this would be done on a case by case basis.

The Panel also inquired whether there is sufficient expertise in Jersey to establish and deliver a high-quality local Independent Advocacy services, rather than simply assessing the demand for such a service. The Panel emphasized the importance of ensuring that Jersey has the necessary skills and resources to provide a robust local service, thereby reducing reliance on off-island solutions. Officers advised that there is enough demand in Jersey to support the establishment of an Independent Advocacy service. The Panel asked about the Government's relationship with the current providers of Independent Advocacy Services and a brief summary was shared

The Panel also asked who would be advocating specifically for children and young people who are neurodivergent. Government Officers informed the Panel this is not specified in the regulations but that some third sector organisations do offer non instructive advice. Non-instructed advocacy requirements is mentioned in the Code of Practice.

The Panel was provided with a draft copy of the Code of Practice. The Panel notes that the Code of Practice references that advocacy providers should not deliver other services to the qualifying individual and queries if further clarity is required around this point in order to understand the implications for advocacy providers who may provide other

services to qualifying individuals directly or indirectly, for example support with homelessness, caring responsibility, skills and training.

The Panel has noted that the Code of Practice outlines the importance of maintaining the independence of advocacy arrangements for example, the need for commissioners and providers to address challenges and conflicts transparently and robustly within service level agreements.

The Panel has noted the public [consultation](#) carried out in relation to the proposed independent advocacy regulations. Feedback from the consultation called for clearer definitions such as for “independent advocacy”, however, the Panel notes that this has not been specifically defined in the interpretations (Article 1). Additionally, the Panel queries if there is enough clarity over the status of individuals who would meet the criteria as a ‘qualifying individual’ if they are awaiting a neurodivergent diagnosis as the response in the consultation indicates there is a difference between under and over 18 awaiting a diagnosis.

### **Child Rights Impact Assessment**

The accompanying Child Rights Impact Assessment ([CRIA](#)) indicates that the Proposition aligns with the UN Convention on the Rights of the Child ([UNCRC](#)) by emphasising participation, protection, and empowerment.

### **Conclusion**

The Panel is supportive of the draft Regulations as outlined in the Proposition, as they will introduce a statutory requirement for Independent Advocacy in Jersey which was mandated under Article 44 of the CYP Law. The Panel hopes the observations made in this comments paper will enhance the debate around this Proposition. The Panel believes Independent Advocacy Services will help to ensure that Children's Rights and perspectives are represented.