

STATES OF JERSEY



STATES STRATEGIC PLAN 2009 – 2014 (P.52/2009): SEVENTH AMENDMENT (P.52/2009 Amd.(7)) – COMMENTS

**Presented to the States on 1st June 2009
by the Council of Ministers**

STATES GREFFE

COMMENTS

(1) The Council accepts this Amendment, subject to the Council's Amendment to correct the terminology.

The Council agrees that an extension of the U.K.'s ratification is desirable and therefore accepts this amendment; subject to States approval once the full implications are known, including how it will be funded. It will also be subject to the derogations required in order to make provision for existing Jersey institutions – such as H.M. Prison and Greenfields – or the considerable changes that would be required if such derogations were not agreed.

The extension of the U.K. ratification was agreed in principle by the previous Ministers for Education, Sport and Culture, Home Affairs and Health and Social Services, and the way forward for ratification is currently being considered. The reasons for ratification include –

- International reputation (192 nations have ratified – Jersey is one of a very few who have not);
- Adverse media reports and political comments;
- Domestic benefits – it sets out minimum standards for children which Jersey should meet in any case.

There is some work to be done to complete the assessment of compliance, including the introduction of new legislation or amendments, and some sensitive but critical policy issues will need to be resolved if it is decided to seek ratification.

On a technical matter, Jersey cannot 'ratify' any conventions – it would need to "seek extension of the U.K. ratification" of the Convention. (See the Council's amendment to this amendment.)

(2) The Council opposes this Amendment.

The role of the Commissioner for Children in England (established by the Children's Act 2004) is –

- To promote awareness of the views and interests of children amongst all sectors of society.
- To work with organisations whose decisions affect and concern children including such schools, the police, hospitals and voluntary groups.

This need for a single point of reference – a champion for children – is deemed necessary in such a large jurisdiction because the responsibilities for children are dispersed over 17 members of the government (ranging across a range of Ministries which include Health, Local Government, Trade, Education and Justice).

Within the States of Jersey, the political accountability for children is clear and is not diffused. It is the Minister for Health and Social Services who is responsible for children, young people and families (this responsibility being

formally delegated by the Minister to her Assistant Minister for Children's Services).

The Commissioner for Children in England is independent of government. Within the States of Jersey, it is recognised that there is a need for checks and balances which components of "independence" provide. Currently, this "independence" is provided for by the Minister's appointment of an (independent) Chair of the Jersey Child Protection Committee. If the States approves the Williamson Implementation Plan, then this level of independence will be substantially added to by –

- The independent inspection of children's services by a competent inspecting agency from the mainland.
- The appointment of an Independent Review Officer (IRO) who will provide independent assurance that individual and personalised services for 'looked after children' are of an acceptable standard. The IRO will also provide external scrutiny of the work of children's services generally provided in these areas. The post-holder will be managed and directed by the Health and Social Services Department outside of the domain of Social Services.
- The creation of arrangements – independent of government – by which the concerns of a child or young person who is in the care of the States can be registered and acted upon.

The amendment which proposes a Commissioner for Children in Jersey is well-intentioned, but the creation of such a role in Jersey would re-create the very confusion and unclear lines of accountabilities which the Andrew Williamson Inquiry was at pains to remove.