



Migration and Population Review Panel

Common Population Policy Review

Witness: Commissioner for Children and Young People

Monday, 24th January 2022

Panel:

Senator S.W. Pallett (Chair)

Deputy S.M. Ahier of St. Helier

Deputy G.J. Truscott of St. Brelade

Witnesses:

Ms. D. McMillan, Commissioner for Children and Young People

Mr. S. Le Quesne, Communications, Children and Young People

[11:02]

Senator S.W. Pallett (Chair):

Good morning, everybody. Can I welcome anybody who is listening in and can I also welcome the Children's Commissioner to this public hearing this morning? We are going to be discussing the population policy. We are meeting today as the Migration and Population Review Panel, so what we will start with, I think, is we will just go through who is here this morning, who is attending. I will be chairing the meeting. I am Senator Steve Pallett, chair of the panel.

Deputy S.M. Ahier of St. Helier:

Deputy Steve Ahier, a member of the panel.

Deputy G.J. Truscott of St. Brelade:

Deputy Graham Truscott, member of the panel.

Senator S.W. Pallett:

I hand over to you, Commissioner.

Commissioner for Children and Young People:

Good morning, my name is Deborah McMillan. I am the Commissioner for Children and Young People in Jersey.

Communications, Children and Young People:

My name is Sam Le Quesne, I do the communications work for Deborah's office.

Senator S.W. Pallett:

Good morning and I want to welcome you this morning. Thanks for giving us the time to come and speak to us about the policy. We have plenty to discuss. We have only got an hour to discuss it in so I will crack on with the questions and hopefully we can get through our question list this morning. I will start with quite a broad question, but the panel understands you previously provided evidence to the Migration and Policy Development Board. Did you have ample opportunity to take part in the formation of the common population policy that is being proposed at the current time?

Commissioner for Children and Young People:

I will answer that question but before I do so I think it is important to set out what our role is here on the Island because one of the ways that we help protect the rights of children and young people is that we comment on proposed policies and legislation that may affect them. We do that in a variety of ways. One is by speaking to Scrutiny, like yourselves. The other is we write briefings for States Members and we also respond to consultations around issues that affect children and young people. But also, more fundamentally, the Commissioner for Children and Young People (Jersey) Law 2019 stipulates that the Minister - so whichever Minister is responsible - must consult the Children's Commissioner on any propositions for the preparation of any enactment where it directly concerns children. Because of that we would suggest that Ministers bringing forward substantial pieces of legislation, such as the migration policy or the common population policy, ought really to consult with us first. But I guess that depends on what they see as the interpretation of directly concerning children. But we do see that both policies do directly concern children. The migration board did invite me to go and attend one of their meetings. It was quite a lively meeting and we gave our evidence based on what it was that children were telling us but also the evidence that we were seeing in terms of how children's lives are being impacted by the current and also the proposed policies. We also backed that up in writing with formal advice and some of that formal advice had come from independent legal support that we had sought from a barrister. So we have provided that advice particularly around the migration proposals.

Senator S.W. Pallett:

In terms of consultation with children, are you disappointed that Government did not look more widely in terms of consulting with children and children's representative bodies? I can think of something like the Youth Assembly, for example. Are you disappointed that maybe they did not make more of an effort to consult directly with children?

Commissioner for Children and Young People:

There are 2 points I want to make about consultation. One is about the lack of consultation directly with under-18s but also the consultation with adults in terms of the way it was framed. I think this takes us back to a fundamental question, which has yet to be answered, which is about human rights because when we are making decisions about inward migration and population controls it is important that we understand why we have human rights in the first place. You will not need reminding but people listening in might not be aware. But at a global level all human beings, whether they are a migrant or not, enjoy rights and these rights are guaranteed by international treaties. Jersey has made a decision to ratify those treaties. That is the International Covenant on Economic, Social and Cultural Rights and it is also the International Covenant on Civil and Political Rights. People may well be more familiar with the United Nations Convention on the Rights of the Child. There are other legal instruments, particularly protecting and promoting migrant rights, but those 3 are the main ones. Jersey has gone a step forward in that it has taken those international treaties and it has put protections into domestic law. That is the Human Rights (Jersey) Law. All adults have their rights protected in Jersey. If we have gone as far as putting human rights protection to domestic law surely we should be putting human rights at centre stage of these proposed policies. In fact, there is a requirement to. There is a requirement for public authorities to act in a way that is compatible with these international treaties, including the U.N.C.R.C. (United Nations Convention on the Rights of the Child), and to apply them when they are rewriting the laws and regulations of Jersey. Then that takes us to an argument about compliance versus the true spirit and meaning of human rights. Are we just saying that we are going to bring forward migration and population controls that are compliant with these treaties and our own Human Rights Law or are we going to go a step further and say human rights is about humanity? What does that mean for Jersey? Should we not be creating a set of principles that will then lead to the development of the necessary migration and population policies? We heard, particularly from 18 to 30 year-olds in the consultation, that they want Jersey to be inclusive and a more diverse community. That is more of let us just not comply with human rights but let us take the spirit of human rights and put that centre stage. I think the consultation with adults did not really focus enough on what a set of principles might be but focuses on humanity rather than just compliance with the Human Rights Law. But in terms of children, we are disappointed because Article 12 of the U.N.C.R.C. gives children the right to have a voice and to have a say. So while we are pleased that the Government sought to speak to recent

graduates - most of those were out of the country - but they have not, as yet, consulted with children and young people. You will be aware that my office have our year-long study during 2020 called *Life on the Rock*. We have also carried out an Island-wide survey in 2018. What was quite interesting is that the views and opinions of children chime almost exactly with the participants of the Government's consultation in that children were talking about housing, they were talking about the Island being eco-friendly, they were talking about the cost of living, about education, about skills and the job market. They were talking about the Island being multicultural and inclusive and diverse, that they wanted the Island to remain a low crime place to live in, and for the Island to retain this identity and heritage, which they all enjoy. It is quite interesting that children are very insightful and they have a lot to say. I would hope that at the next phase of the development of these policies that children are properly engaged at every step of the way because certainly the quotes from *Life on the Rock* give some real clarity about what it is that children see as the need for development in Jersey.

Senator S.W. Pallett:

Thank you. You have certainly covered I think a couple of the questions I was going to follow that up with but I agree with you. I think children are very capable of communicating in all the areas that you mention and, as they go through their teenage years, become more interested in some of those issues; be it housing, future education, because it is all going to affect their future lives. You mentioned about how those processes could take place but how would you like to see Government engaging with young people, under-18s, so that they do have a voice? How would you see those processes being implemented for all important pieces of legislation?

Commissioner for Children and Young People:

Clearly children have a right to have a voice and have their opinions taken seriously. The participation and engagement of children and young people must be more than tokenistic. We are not talking about a survey where children are asked a few questions but the Government do nothing with that information or the Government do not provide any feedback to the children and young people on how they are going to take their view seriously. We have been trying to encourage the Government to have a participation strategy. There is no national strategy in Jersey for participation. If we had one that would mean that there is a set of very clear principles and values that everybody adheres to when they are seeking the views and opinions of children and young people. It also gives confidence to children and young people that it is worth them having a say and it is worth them engaging because people will take notice. What you will find from some of our early survey responses is children and young people are still saying that, in the main, they are not asked about their opinions and when they are it is not taken seriously. We can talk about a number of examples where that has happened. The skatepark, for example, I know one you are familiar with is ... children

are very clear about what they wanted but it did not really happen or it did not happen in a timely fashion.

[11:15]

We still recommend that the Government develop a participation strategy and that alongside that they have an ethical framework because time and time again we still are seeing Government communications being very tokenistic. A group of children reading out a poem or singing a song at the beginning of an adult conference, then the children are wheeled away and the adults carry on with their work. Children do have a lot of really good ideas. Their minds are not cluttered with everything that we have in our adult brains. What we find is when we consult with children and young people, as young as 3 years old, they do not come up with a massive wish list around what they want. They are not saying: "We want an ice-skating rink in the middle of St. Helier" or: "We do not want to go to school anymore." They are saying things like: "Why cannot every child have a garden to play in? Why cannot all children go to the doctor for free?" These are the things that they are really concerned about. Of course they are going to have opinions and thoughtful ideas about inward migration, outward migration and population policies because these affect them all. When we are talking about migrants - it is not a term that I like to use at all - we are just talking about people. Jersey needs people to come here to work. I am a migrant. I have come here to work. My daughter is a migrant. She has come here to be a teacher. We rely on people coming to Jersey to support us to become an economy that thrives. It does not really matter whether you are here for low-paid, low-skilled work or highly-paid, highly-skilled work. The fact of the matter is, Jersey needs people to come and they need people to go. Young people will sometimes leave Jersey when they have been born here to go to university and at some point they will want to come back. That is important. Young people will have some very insightful ideas about what that might look like for them and that is why we should go out and consult with them as these policies develop.

Senator S.W. Pallett:

Before I pass on to my colleague for another question, just 2 issues that come out of that, that interest me. In terms of a participation strategy, have you engaged with Government as to what that should look like and what has been the response from Government on that? The second question would be: in terms of young people coming to Jersey ... not just young people, all people coming to Jersey, but especially young people, from what you hear, do they feel welcomed into the Island?

Commissioner for Children and Young People:

Taking the first question; yes, since 2018 we have been promoting the idea of the Government having a national participation strategy. In fact, I took the leader of the Youth Service to Cardiff to meet with his Welsh counterparts to look at what a participation strategy looks like there. We have

provided advice about what happens in Scotland where they have a clear national strategy as well. But so far, we have not seen anything come out of Government. I do not see any commitment to provide one either. But it is important because what that does is it, as I said before, defines a clear set of principles and it means that anybody that then consults with children know what the values are. Our demonstration project is *Life on the Rock*. We worked with Queen's University, Belfast, to undertake that piece of work, and we used what is called the Laura Lundy model of participation. That whole piece of work was run by children and young people. What we did was we set up a child advisory group. In fact we had 3 groups: one at Haute Vallée School, one at Mont à l'Abbé and one at Janvrin. We went out to those groups of young people and said: "We want to do this project, we want to hear what it is like growing up in Jersey, we would like you to help us." So they were co-researchers with us. We then went out and did the research and then brought that research back to our co-researchers and said: "This is what children on the Island are telling us, do you agree? Did we ask the right questions? Are we missing something?" and we affirmed the findings. That is why *Life on the Rock* as a document is so important. It documents the life of 21 children and young people across the Island living in all sorts of social and economic situations. The second part of your question ... sorry, remind me again. What was it you said?

Senator S.W. Pallett:

Just about whether young people feel welcomed when they arrive in Jersey.

Commissioner for Children and Young People:

If you read *Life on the Rock* you will read, I think it is Charlotte's story - I do not have one to hand to check - but this young lady was somebody who had moved to the Island because her parents came here to work. She talks about the difficulties in terms of finding stable housing, having to move regularly, finding it difficult to be accepted at school and finding it difficult to be accepted by peers across the Island as a whole. Everybody's situation is different but certainly *Life on the Rock*, I can think of 2 of the participants are young people who have moved to the Island more recently and have found it difficult to ... they have not found the Island to be inclusive, shall I say?

Senator S.W. Pallett:

Just before I move on to Deputy Ahier. Within young people itself, I hope you will agree, there are subgroups within that as well and they all need to be taken into account, their social group, ethnic group, different ages, disabilities as well, so I presume that you would want to see all those groups participating in any participation strategy.

Commissioner for Children and Young People:

Absolutely. You quite often hear the term "hard to reach". We do not accept that. No children and young people are hard to reach, it is just that the approaches that you use are wrong. There are

ways to engage in a meaningful way with children and young people. You just have to find that hook. What we find is when you work hard at it and, because my team have a participation strategy and we have ethical standards, when you apply those you can reach children and young people who do not normally take part. One example is our work recently on Parish Hall Inquiries. We spoke to a number of young people who have been caught up in the justice system, young people who were telling us what it is like being arrested, what it is like being held in the police cell, what it is like when a police officer put handcuffs on you and uses force. These are a group of young people who ordinarily will not speak to people but if you build up a relationship with them and a rapport and you commit to the values and principles in a participation strategy generally you can hear their voice, and it is important for their voice to be heard.

Senator S.W. Pallett:

I know Deputy Ahier is ready to go with his questions so I will hand straight over to Deputy Ahier.

Deputy S.M. Ahier:

Is the proposed inaugural common population policy fit for purpose?

Commissioner for Children and Young People:

Deputy Ahier, that is a very good question. I must concentrate on the human rights elements of it. Now, I have already provided substantial advice on recommendations in the migration policy, so you know that the amended controls proposed allow for short and long-term permissions and allow for improved control over the number of migrants who will receive permission to live permanently in Jersey. We have pointed out that the 9-month control, and the one above it, that prevents migrants from bringing their family members to the Island, while in themselves are not illegal but we wonder whether morally they are the right thing to do. I think it might help just to explain, but Article 2 Protocol 4 of the European Convention on Human Rights sets out a right of freedom of movement. It guarantees that right. It says: "Everybody shall be free to leave any country, including his own." Article 18 of the International Covenant on Economic, Social and Cultural Rights guarantees the right of nationals to leave their own country, to seek gainful occupation in the territories of other parties. These 2 international treaties guarantee the rights of movement, to leave your own country and to go to another country to engage in this gainful occupation. However, as a general principle, the European Convention on Human Rights does not guarantee the right of an alien - to use the term - to enter and remain in a territory of a member state. So we can have border controls; everybody does, it is important. But what is important is that in exercising those border controls that Jersey must act in conformity with the European Convention of Human Rights. Migrants seeking entry to a member of the Council of Europe, which we are part of, must be protected from discrimination. So what we are saying here is there must not be discrimination in the process of immigration controls and in any decisions around granting entry. What we are saying is, the common

population policy and migration policy, as proposed, they are acceptable but what they must do is conform with those human rights principles. That takes us back to the statement at the beginning. Is Jersey looking to be compliant with human rights instruments or do we want to embrace human rights and go further and make sure that we become that inclusive, vibrant country that migrants want to come to and they want to feel part of the community and they want to contribute? I would say, at the moment, my observations are that some of the policies proposed are discriminatory, particularly the ones that do not allow family members to come with those migrants.

Deputy S.M. Ahier:

You would be advocating changing the Control of Housing and Work Law to allow people to come here for 9 months and to bring their children with them. Would that not be more of an upheaval for the children having to move every 9 months from one country to another country, different language, et cetera?

Commissioner for Children and Young People:

What we are saying is it is about giving migrants the choice, particularly for the next stage up, which is a 4-year licence, is it not? One of the things that we have seen is because of the difficulty in recruiting low-skilled, low-paid migrants to come and work in hospitality and the agricultural industry that those industries are reaching out to third world countries. This is where that moral compass needs to come in, is that if we are encouraging the male of the family, the head of the family, the main earner to move thousands of miles away from their family to come and work here and leave their children behind, what we have seen is international research tells us that in some occasions those children are at risk, the ones that have been left behind. Morally, should we not be considering that when we are trying to encourage people to come and work here? One of the other issues that we have seen is around families that do come here, because they are allowed to on licences and with registrations, is what happens when there is a family breakdown? What we have seen is people come here on a licence, generally a father's licence, and there is a marital breakdown, sometimes these women end up in the Women's Refuge. Then they do not have the right to remain in their own right. What we are seeing is that the Government's reaction is to say: "Well, you have to go back" and these families may well have been here up to 5 years and on some occasions they have had children since they have been here. We do not feel that sending those children back is necessarily the right thing to do. We are not saying it is illegal under international law, but it takes us back to what do we want to be in Jersey? Do we want to be a country where we say: "You can come and work here but only for 9 months, you cannot bring your children"?

[11:30]

“We do not really care what happens to your family, wherever you leave them. Come here, earn the money and go away again” Or: “Come here, work in the finance industry or other industries on a licence but if your family breaks down, your relationship breaks down, then we are not going to help. You are just going to have to sort that out and move away.” Is that the society that we want? Or do we want to be an inclusive, vibrant society where we say: “Yes, we want you to come and work here. Come and work here, bring your families, do not be treated as second-class citizens, we welcome you and we will support you because you are contributing.”

Deputy S.M. Ahier:

You would not be proposing that anybody who came to work in Jersey could bring their family, extended family, and they would automatically have residential rights and be able to purchase property?

Commissioner for Children and Young People:

No, that is not what I am saying. That is not what it is like in other countries, certainly if you look towards the U.K. (United Kingdom). We are not saying that but what we are saying is in the decisions around making these population controls or migration controls, you need to be thinking about the broader elements of family. Yes, if somebody is going to come and work in the agricultural industry for 9 months then you might not want to uproot your family and bring them because you know you might be going back. But they should have the choice to bring their family and be supported. At the moment, as you know, under the current Housing and Work Law, until they have lived here and contributed for a number of years, they cannot access broader support. I think that is fair enough. Whether it is 5 years or 2 years, that is for the population board to decide. But what we are saying is no matter the route that you have come to live in Jersey, whether you came with your parents or you were born after your parents moved here, when something goes wrong, whether that is marital breakdown or sickness, that the Government should support those children.

Deputy S.M. Ahier:

The proposed policy outlines that the dependency ratio will increase in the future, meaning that there will be an increase in the ratio of those under the age of 16 or over the age of 65, compared against the number of people aged between 16 and 64. How, in your view, should the proposed policy seek to limit the impact of this upon children and young people?

Commissioner for Children and Young People:

Yes, of course we need a working population to pay taxation so that we can support the broader community. This relates particularly to education. What we do see is that many young people leave Jersey at the age of 18 to access higher education in the U.K. and beyond. What we are seeing is the trend is that they do not all come back. There is a trend where they stay generally in the U.K.

and then maybe when they reach a point in their life where they are settled and want a family or have a young family that they come back to Jersey, but that does leave a skills gap in between. There are a number of things I think that should be looked into here and this is where any review of the migration policy and the population policy need to be in combination with the developments in education. I do welcome the commitment to improve education, skills and training and this broad statement that the policy says that our education system should ensure everyone is reaching their full potential, but we need to understand what that looks like. What we hear from young people is they feel that if you do not choose the university route and you choose the vocational route that you are kind of not regarded as highly as those that go away and undertake a degree. I think that is something that we have to look at, is making sure that vocational training and apprenticeships are held in exactly the same regard as those attending university. Equally, all young people should be given the financial support to develop whichever route they want to go in. One of the other things we must think about doing is university education on-Island so that young people do not necessarily have to go away for 3 years and then have to come back, because that sometimes is a barrier for them.

Deputy S.M. Ahier:

Thank you. The chair has a question.

Senator S.W. Pallett:

Just very quickly. You mention one of the actions, which was supporting every child and young person to achieve their full potential in the adult world. I notice that the action for 2022 was merely to complete the review of student finance. Do you think that is a disappointing response to looking to support children to achieve their full potential?

Commissioner for Children and Young People:

This is where the policy does not really go far enough. Neither does it connect with the ambitions around education reform, which are set out in the Government Plan. I think there needs to be more understanding around practically what is that going to look like. That is why increasingly it is almost impossible for the common population policy and the migration policy to continue to be developed in isolation because so many other things are linked into it. One of the things that we know is a barrier to all children reaching their full potential is poverty, so we still have a number of structural reasons why children are not achieving in school. As you can see, it is all deeply connected. The concern is that these 2 bits of policy development sit outside of any join-up with the rest of the Government ambition around what we really want to do to make sure children can achieve their full potential.

Senator S.W. Pallett:

Is there a risk with this policy - you have sort of touched on it there - that it is not really taking into full account the broader width of policies within Government at the current time?

Commissioner for Children and Young People:

Yes, I think what I am trying to say is that is exactly it. That there is a lack of join-up with the other ambitions and therefore it could be developed within a silo, and therefore these statements that our system should ensure everyone is reaching their full potential will not come to fruition.

Deputy S.M. Ahier:

I know we have touched on it, but the policy highlights the need to improve skills and education; do you believe that the policy will help to do this?

Commissioner for Children and Young People:

Again, the policy is quite light on this, is it not? Again, it is showing a lack of join-up with the plans that we read in the Government Plan that the Children, Young People, Education and Skills Department are planning. Again, some join-up there would be helpful for us to see how this common population policy will support those broader plans. Whether that is about development of university on-Island or whether it is about the development of post-16 skills and vocational training. Because bearing in mind that again children and young people have a right to an education under the United Nations Convention of the Rights of the Child, but that is not just an education around passing examinations. It goes on to making sure that children have the option of technical and vocational training. So they do not have to focus on academic subjects if they do not want to.

Deputy S.M. Ahier:

Thank you very much, Commissioner. I will pass over to Deputy Truscott now.

Deputy G.J. Truscott:

Is it the right course of action to commit future Council of Ministers to include its policy on population in Government Plans from 2023 onwards?

Commissioner for Children and Young People:

I mean that is not really a human rights question that sits within my remit. I think my advice is, and always will be, that in the development of, whether it is amendments to the Control of Housing and Work Law, whether it is a population policy or a migration policy, the commitment has to be to children's human rights and also to all adult human rights. My advice is to make sure that those international treaties sit centre stage of any decision-making. But I really cannot comment on whose role it is. This is a long-term vision for Jersey so it is always going to run further than Governments. A stop-start every 4 years to this development of policy is not going to work. At some stage, yes, I

would imagine decisions have to be made that other Governments carry on developing. But if those decisions are made with children's best interests at their heart and with human rights principles at their heart then I cannot imagine that any future Government would have a problem with that.

Deputy G.J. Truscott:

If it was to continue what impact do you think this would have, if any?

Commissioner for Children and Young People:

I think at the moment, as it stands, the common population policy does not give sufficient detail in terms of how it is going to promote and protect the breadth of children's human rights. That is what we would like to see. It could be a good idea, and there is certainly a recommendation of hours to carry out a children's rights impact assessment so that we can understand how any decisions being made now might have an impact on children's rights around housing, accessing income support, accessing health and education, for example.

Deputy G.J. Truscott:

What are your views on the proposed overall aim to progressively reduce Jersey's reliance on net inward migration within the currently agreed common strategic policy?

Commissioner for Children and Young People:

Again, that is not really a human rights view. But as I have already set out, from what I see, Jersey relies on people coming to work in Jersey, whether it is for a short period of time or a longer period of time. While they are here, there are obligations with regard to their human rights. If they bring children with them or if they have children while they are here, then their children have their rights protected under the United Nations Convention on the Rights of the Child. I think that is all I can really say in relation to that question.

Deputy G.J. Truscott:

Thank you, Commissioner. I will hand you back to Deputy Ahier.

Deputy S.M. Ahier:

Commissioner, are there areas that the proposed policy does not provide guidance on that you wish it had done?

Commissioner for Children and Young People:

It is reassuring to see that there is an emphasis on education. It is also reassuring to see that there is a commitment to amend the Control of Housing and Work Law. It is reassuring to see that there is a commitment to carry out further consultation with children and young people. I think what we

see as lacking is there is nothing in these proposals that talk about access to health, for example. The bit that is really missing, and I am going back again to what it was that the 18 to 30 year-old age group expressed, they expressed a need for Jersey to become a more inclusive and diverse community. I do not think the policies go far enough to explain how we are going to do that. We know that good community relations will come if migrants can choose to have their family with them in Jersey, if they want to. That does create that sense of inclusion, something that children in our survey said they did not feel. That avoids that hierarchy of who can bring their children with them and who cannot. That means that all migrants feel valued and welcomed. The children of those migrants are not then separated out as having fewer rights than those that have been here longer. I think that will help children to integrate better in schools and they will not feel like an underclass of child. That is the bit that is missing really, which I have set out in, I suppose, the concluding paragraphs in my written submission. There is a global competition for migrants and surely we want Jersey to be viewed as this excellent example of an inclusive, fair and safe place for families and less-skilled migrants. That is going to attract them. But it will also attract the skilled migrants and we need those as a priority because they will want to live in and be part of a society that promotes fairness for all. That is the bit I think that is missing from these policies as they stand at the moment.

Deputy S.M. Ahier:

We discussed the importance of helping young people learn English if it is not their primary language. Does the policy appear to cover this point, in your view because it does not seem to be mentioned?

[11:45]

Commissioner for Children and Young People:

Yes, it is one of the areas around education that it does not flesh out exactly the actions that need to be taken. What we have seen over the last 5 years is a rapid increase in the number of children needing support because of having English as an additional language. But equally what we have seen is that the money that supports them has been cut in recent years. There is a team, the English as an Additional Language team - it is based up at Rouge Bouillon School - and up until last year had seen its budget cut substantially. I am really pleased to see in the Government Plan that there is additional funding for English as an additional language. A great example of thinking is around the Youth Service have been asked to come up with a project to explain how they can support children with E.A.L. (English as an Additional Language). But it needs to be broader than that. What we find is children who come to Jersey without English pick it up really quickly but it is their parents that need the extra support. What we do need is broader language development for parents and carers that are here with them as well. So, yes, you are right, it is one of the areas where the policy does not go into any detail about what that might look like.

Deputy S.M. Ahier:

What will the impact of the common population policy be?

Commissioner for Children and Young People:

As it stands, with the migration policy that goes alongside it, I think what we will see is more of a continuance of where we already are, where migrants, particularly the low-skilled, low-paid category, will come. They will continue to feel like second-class citizens, they will feel that they are not part of Jersey because they are just here for a short period of time and then they will leave. I think we will also see us continuing to struggle to recruit into those skilled jobs where we are already seeing shortages. You will know that it is acute in terms of health professionals, teachers, social workers and there are lots of others as well. We are seeing a lack of inward migration is having a huge impact. At the moment I cannot see that the changes to the controls are going to improve that. I think if you want teachers to come here, if you want social workers to come here, again, you need to demonstrate the value of coming to Jersey. It is not just about how much we might pay you but it is about making sure that the cost of living is supportive for them, that the schools that they might send their children to are as good as they can be and that they can access the very best healthcare. What we are seeing is people are coming into Jersey to undertake those jobs and they are leaving quite quickly because they are quite quickly finding that Jersey is not a country where they can commit to living because it is too expensive. So we are not seeing those issues tackled as the policy is currently written.

Deputy S.M. Ahier:

The proposed policy outlines that younger people taking part in consultations indicated that house prices are a large reason for them to leave and not return to the Island. Do you have any views on this?

Commissioner for Children and Young People:

Yes, again, some of the participants in our study *Life on the Rock* talks about that. We know that a lot of young people are put off from coming to work in Jersey or coming back to Jersey because of those costs. Certainly in our own office, we have had a student social worker who was part of that first cohort of being home-grown social workers, if you like, but what was quite concerning was to hear that they are not going to be a social worker in Jersey. They have decided that they are going to go and move to England and be a social worker there because the cost of living here is too expensive. This is a Jersey-born person who is saying: "I cannot afford to stay here" so that is an issue for us. Certainly if we are going to look at the development of more degrees on the Island and more vocational qualifications, we have to make it viable for them to be able to stay with those qualifications and not want to leave for economic reasons.

Deputy S.M. Ahier:

Thank you. I will pass over to Deputy Truscott now.

Deputy G.J. Truscott:

What actions do you believe Islanders, businesses and the Government of Jersey need to take to meet the proposed policy?

Commissioner for Children and Young People:

Well, what we would say is that the policy as it stands needs development and therefore we do welcome the commitment for further consultation but, more importantly, with consultation with children and young people. We would be happy to advise on what that consultation might look like but of course it is not for us to undertake it but we would be supportive around how that might look. I think the next piece of advice is to make sure that, as these policies are developed, they are developed alongside the other policy development around education, health and housing, for example, and that this does not go forward in a silo, as we have already mentioned before.

Deputy G.J. Truscott:

Is there sufficient rationale for the conclusion that it is premature to set these specific population forecasts?

Commissioner for Children and Young People:

Well, again, I am not a politician. I am here to advise on the human rights elements of that. What I would say is of course countries must maintain their borders but, going right back to where we started, what I am saying is: "Where is the vision for Jersey?" Surely we should start with what that looks like. If we want to get the best and most committed migrants, what does that look like for us moving forward? Then you can set a number on it but let us start with a set of common principles and values based on the human rights of all of those migrants and their children should they wish to bring them and then develop whatever population controls must follow.

Deputy G.J. Truscott:

Thank you, and I will hand you back to the chair.

Senator S.W. Pallett:

Just picking up on something that you just said in a previous answer, in terms of people looking to come and consider working in the Island, holistically across all business sectors, how important do you think it is to treat people fairly and correctly? I say that because is there a risk that it could have an effect across all of our industries or even our health service or education service if we do not treat

people fairly when they arrive in the Island and could that have a potential negative effect on Jersey's reputation if we do not do that?

Commissioner for Children and Young People:

Yes, I think so. I have already spoken about this global competition for migrants. There was an article in the *J.E.P. (Jersey Evening Post)* just this week where I think the agricultural industry is really struggling to recruit skills for the agricultural industry. So, yes, we do want to be seen as an Island that promotes fairness for all and international treaties do say that we must not discriminate between one type of migrant as opposed to another type of migrant or indeed to the indigenous population. So we do need people to come here and work and, in order to do that and to attract the best and most committed people, it is really important that we respect, promote and protect their private and family lives and that fairness is part of our central values. Otherwise, people are not going to come here. They will go elsewhere. Maybe we need to understand better why it is that migrants from Romania and Poland have stopped coming here and to question what has been happening and then that might help to define what the solution might look like.

Senator S.W. Pallett:

I am sure that you will have noted in the document itself the actions for 2022. Are there any specific actions that need to take priority and, generally, do these actions go far enough in supporting and recognising the rights of young people under 18?

Commissioner for Children and Young People:

There are a number of actions but we do need to remember we are in a year when we will have a new Government and so that does mean that we will go into a situation of purdah in May, I believe, and so there will be a period of inaction. So I cannot imagine that much is going to happen between now and May and then waiting for the new Government to sit down and form a new Council of Ministers, so this year might be a bit of a stop-start year. I think it is important that the central commitment for me and what I would like to see is a set of principles and values based around human rights that any policy development will follow and also this commitment to consult on those and to consult with children and young people. I think they have to be the priorities. Then the other priority is to make sure that there is join-up so that these policies are developed alongside, for example, the education reform and what that might look like.

Senator S.W. Pallett:

One of the areas that interests me is how we may need to discuss and talk to young people about their future aspirations in terms of assessing what they might do in the workplace to fill some of the skills gaps that we might need in the future. How do you see Government having that conversation because young people may have to change their aspirations to some degree? We have always

been a finance centre and it has always been the backbone, and still is to a large degree, but that may change moving forward. How do you see that conversation taking place?

Commissioner for Children and Young People:

I am pleased to say that that conversation has already started. The previous Minister for Children and Education, Tracey Vallois, instructed officers to undertake what was called the Big Education Conversation and that was well-executed and young people were very clear about their concerns, particularly around post-16 options for them. That seems to have gone quiet. What we need to see is how will that major piece of consultation feed into not just the education reform that is proposed but the broader reforms and particularly with what we are talking about today in terms of migration and policy? So I think it needs to be a continuing conversation but children and young people want to see how their information that they provided, whether it is through a survey or a focus group, is tangibly being turned into action so that their opinions are being taken seriously. It may well be an opportunity also for the Youth Parliament to become involved and to be the voice of children on the Island as well.

Senator S.W. Pallett:

I am just interested to hear you say before access to health being an issue. Could you broaden that out a little bit in terms of what you mean by that?

Commissioner for Children and Young People:

Yes. So the current legislation puts restrictions on access to health so if you move to Jersey, you have to be here 6 months before you can have free healthcare at the hospital. One of the issues that we found is perhaps in the low-skilled, low-paid migrants category is what arrangements will be there should they need to be able to access the hospital or indeed a G.P. (general practitioner) and what support there is? We also know that adults per se need to pay. Now we are well aware of instances where children have not been able to see a G.P. because their parents could not afford to pay, and so I am really pleased that a decision was made that if your parent is on income support, you can now see the doctor for free. Of course that does not apply to families who cannot access income support and they are the families that have not lived here for more than 5 years. So we still do have migrants who come to Jersey, they have only been here one, 2, 3 or 4 years and therefore they cannot have access to income support so they still have to pay for their children to see the doctor, and they are generally in the low-skilled category and low-paid category. So those are the sort of concerns that this policy does not address, which is how are we going to make sure that the migrants, no matter which part of the policy they come here for, can access good quality healthcare and that they will not be penalised should they not be able to afford it, particularly if they have children with them?

Senator S.W. Pallett:

That is great. Thank you. That certainly broadens that out. I have one last question. I suppose it is almost a catchall and you may want to add any other comments as well with this but, overall, do you believe the proposed common population policy takes sufficient account of the rights of children?

Commissioner for Children and Young People:

I think at the moment, it does not. I do not see that children's rights are centre stage of this policy development.

[12:00]

We would be more than happy to advise and we would be more than happy to support Government with a Children's Rights Impact Assessment. Now you will be aware that the impact assessments are not necessary at the moment. It is not law at the moment although we hope that it would be sometime soon but, nevertheless, what the Child Rights Impact Assessment does is it helps you think about the breadth of children's rights as you are developing policy. It will highlight areas where children's rights will not be promoted and respected and it will help you to think about how you mitigate that. I think that should be an important next step. That then will mean that the best interests of children are taken into account when any future decisions are made on these policies.

Senator S.W. Pallett:

I suppose a follow-up to that would be are you surprised a child impact assessment was not included with this policy because I think the policy development board and I think the Assistant Chief Minister were given sufficient prompts to potentially include it within the policy?

Commissioner for Children and Young People:

Yes, it is something we have recommended right from the start from the time when we went to the Migration Policy Development Board and highlighted some of the concerns that I had about children's rights not being upheld in the development of this policy and also human rights not being upheld. So I am concerned that it still has not yet been done but we are still at an early enough stage for it to be a useful tool and I would like to see a commitment for that to be completed before there is any more policy development work.

Senator S.W. Pallett:

So you would like to see child impacts assessments included because there is a commitment from Government to renew this policy each year, so I presume you would like to see a child impact assessment included each year within that policy.

Commissioner for Children and Young People:

Well, that is right. I think it is in terms of any policy development so if you are looking to make any changes and develop new policy or legislation, then the best way that you protect the interests of children is to carry out an impact assessment because then you can think about children's health, their education and all their other rights.

Senator S.W. Pallett:

Thank you. I have noted that we have just run over time a little bit. Is there anything you would like to add before we close the hearing?

Commissioner for Children and Young People:

No, I think we have covered most of the aspects. What I would suggest is that you, as a Scrutiny Panel, have a look at the previous advice I have provided to the Migration Policy Development Board. There is a lot of technical advice in there around human rights and children's human rights. We would be happy to go through that offline in more detail should you want it but I think the bottom line is that we are still lacking children's views. They are really important and we are lacking any connectivity with the development of a major policy particularly in the areas of education and that needs to be a focus moving forward.

Senator S.W. Pallett:

Well, thanks for that offer. I am sure we will discuss this immediately afterwards and I am sure we will probably take you up on that offer. I have no more questions. I do not know if either of my colleagues, Deputy Ahier or Deputy Truscott, have anything that you want to ask.

Deputy S.M. Ahier:

No, nothing further, Chair.

Deputy G.J. Truscott:

Likewise, thank you, Chair.

Senator S.W. Pallett:

Well, Commissioner, can I thank you very much for giving your time up? Also, sorry, I do not know what your official title is, Sam, but I can see you in the background there and it is good to see you there today. Thanks for your comments. We have to conclude this review rather quickly because we have the debate on 8th February but we will obviously provide a copy of the recording and the audio today. Also, we will let you know whatever is included within our report before it goes out as

well just to make sure that you agree with what we have put in it. Again, I thank you for your time and I am going to draw this public hearing to a conclusion.

Commissioner for Children and Young People:

Thank you.

[12:03]