

STATES OF JERSEY



MINIMUM WAGE INCREASE (P.11/2021) :ADDENDUM

Presented to the States on 20th April 2021
by Deputy G.P. Southern of St. Helier

STATES GREFFE

ADDENDUM

Child Right Impact Assessment

Impact Assessment by Deputy Southern

STAGE 1: SCREENING

Question 1: Name the measure / proposal and briefly describe its overall aim

P.11/2021 – Minimum Wage Increase

Proposition to request that the Minister for Social Security, when prescribing the minimum wage or referring matters regarding the minimum wage to the Employment Forum for consideration in accordance with the Employment (Jersey) Law 2003, ensures that any such decision or consideration takes into account the views of the Assembly, and accordingly to raise the level of the minimum wage by increments

Question 2: What children’s rights does it impact upon?

Article 3 The best interests of the child must be a top priority in all things that affect children.

Article 4 Governments must do all they can to make sure every child can enjoy their rights.

Article 18 Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by giving them the help they need, especially if the child’s parents work.

Article 24 Every child has the right to the best possible health. Governments must work to provide good quality health care, clean water, nutritious food and a clean environment so that children can stay healthy. Richer countries must help poorer countries achieve this.

Article 26 Every child has the right to benefit from social security. Governments must provide social security, including financial support and other benefits, to families in need of assistance

Article 27 Every child has the right to a standard of living that is good enough to meet their physical, social and mental needs. Governments must help families who cannot afford to provide this. For this to happen they should have access to adequate housing.

Article 31 Every child has the right to relax, play and take part in a wide range of cultural and artistic activities.

Question 3: What children and young people will be affected?
Children of low-income households
Question 4: What is the likely impact of the proposal / measure on children?
Improvement of quality of life, improvement of parent’s abilities to fully provide and care for their children
Question 5: Is a full child rights impact assessment required? Explain your reasons
<p>Yes. The impacts of low household income on children’s rights is considerable – this proposition would begin the process of helping parents who are currently struggling, and therefore helping their children.</p> <p>The following quote seems apt – whilst we are discussing relative poverty, the implications are still clear:</p> <p><i>It is trite at this point to note that the word poverty does not appear in the Convention. It is also trite to note that child poverty constitutes a violation of a wide range of children’s rights under the CRC. Living in childhood poverty frequently either results from or causes a failure to secure children’s economic and social rights, such as the right to an adequate standard of living, to benefit from social security, to the highest attainable standard of health, and to education. However, it has a significant impact on their civil and political rights as well, with, for example, the UN Special Rapporteur on Extreme Poverty and Human Rights highlighting that poor children are disproportionately affected by maltreatment and neglect, with poverty serving as a risk factor for child abuse and child marriage. Poverty—whether absolute or relative—also has clear implications for children’s enjoyment of their participation rights in a range of different contexts, including education and cultural or social life.¹</i></p>

If a full child rights impact assessment is required proceed to stage 2

¹ [Poverty and Children’s Rights - Oxford Handbooks](#)

STAGE 2: SCOPING (Background and Rights Framework)

Question 6: Name the measure / proposal being assessed and describe the overall aim
<p>Proposition to request that the Minister for Social Security, when prescribing the minimum wage or referring matters regarding the minimum wage to the Employment Forum for consideration in accordance with the Employment (Jersey) Law 2003, ensures that any such decision or consideration takes into account the views of the Assembly, and accordingly to raise the level of the minimum wage by increments.</p>
<p>Page 8 of the CSP; “We will use the latest policy evidence to bring forward approaches that address the barriers that hold some children back.... For example living in overcrowded or poor-quality housing, living in families with low incomes and limited access to primary care services such as GPs and dentists.”</p> <p>The minimum wage today is set at the hourly rate of £8.32 in Jersey.</p> <p>It is surely wrong for the Jersey minimum wage to lag so far behind that of the UK given the relative cost of living of the two jurisdictions, and yet it is the UK government which is making the greatest strides in this area. The UK has committed to raise its minimum wage to the level of relative low income, that is, 60% of the median wage. This proposition seeks to pave the way for a minimum wage which matches the Living Wage, thereby enabling the lowest paid workers escape the dependency culture we have created.</p> <ul style="list-style-type: none"> • Part (a)(i) simply moves the minimum wage calculation to one based on the median and not the mean wage. • Part (a)(ii) raises the minimum wage to £9.15 as shown above based on 60% of the median wage. • Part (a)(iii) then further raises the minimum wage to £10 in 2022 to ensure that these low-paid workers are above the relative low-income threshold.

Question 7: Which human rights instruments and articles are relevant to the measure / proposal?		
Human Rights Instrument	Article	Further analysis on the expected / actual effect
UNCRC	Article 3	<i>The best interests of the child must be a top priority in all things that affect children.</i>

		The Government/Assembly have vowed to Put Children First. By not agreeing a living wage, what happens to this vow, and to the Children of low-income households?																					
UNCRC	Article 4	<p><i>Article 4 Governments must do all they can to make sure every child can enjoy their rights.</i></p> <p>As per Article 3 above</p>																					
UNCRC	Article 18	<p><i>Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must support parents by giving them the help they need, especially if the child's parents work.</i></p> <p>This Article must also be seen to apply to single parent low income families. Such families have been proven to struggle far more with housing costs and the effects of low income</p> <p>Figure 3.3: Proportion of each household type in relative low income before and after housing costs</p> <table border="1"> <thead> <tr> <th>Household Type</th> <th>% in relative low income BHC</th> <th>% in relative low income AHC</th> </tr> </thead> <tbody> <tr> <td>Pensioner households</td> <td>28%</td> <td>34%</td> </tr> <tr> <td>One-parent families</td> <td>19%</td> <td>56%</td> </tr> <tr> <td>Couple with children</td> <td>11%</td> <td>22%</td> </tr> <tr> <td>Couple - no children</td> <td>5%</td> <td>9%</td> </tr> <tr> <td>Working age adult living alone</td> <td>17%</td> <td>35%</td> </tr> <tr> <td>All household types</td> <td>16%</td> <td>26%</td> </tr> </tbody> </table> <p>2</p> <p>Support from the Government in this instance is not further benefits, but helping families to provide for themselves and their children.</p>	Household Type	% in relative low income BHC	% in relative low income AHC	Pensioner households	28%	34%	One-parent families	19%	56%	Couple with children	11%	22%	Couple - no children	5%	9%	Working age adult living alone	17%	35%	All household types	16%	26%
Household Type	% in relative low income BHC	% in relative low income AHC																					
Pensioner households	28%	34%																					
One-parent families	19%	56%																					
Couple with children	11%	22%																					
Couple - no children	5%	9%																					
Working age adult living alone	17%	35%																					
All household types	16%	26%																					
UNCRC	Article 24	<p><i>Every child has the right to the best possible health. Governments must work to provide good quality health care, clean water, nutritious food and a clean environment so that children can stay healthy.</i></p> <p>The Jersey Care Model reiterates the push for improved quality of life and improved health. However this change would help low income families actually implement such improvements – the Government can provide Healthcare through the Care Model, but the obligation to ensure access to clean water and nutrition is not so straightforward. The increase in income could begin to help in this regard.</p>																					

² [R Income Distribution Survey Report 2014-15 20151112 SU.pdf \(gov.je\)](#)

UNCRC	Article 26	<p><i>Every child has the right to benefit from social security. Governments must provide social security, including financial support and other benefits, to families in need of assistance</i></p> <p>One step towards financial security is the introduction of a living wage</p>
UNCRC	Article 27	<p><i>Every child has the right to a standard of living that is good enough to meet their physical, social and mental needs. Governments must help families who cannot afford to provide this. For this to happen they should have access to adequate housing.</i></p> <p>Adequate housing is an issue on the Island. See proposition P.20/2011 and P.31/2021.</p> <p>The CRIA attendant to P.20/2011 highlights further the Child Rights impacts of poor housing</p>
UNCRC	Article 31	<p><i>Every child has the right to relax, play and take part in a wide range of cultural and artistic activities</i></p> <p>The effect of this proposition would be to assist families who may be struggling due to low income, to allow them the opportunities which others may take for granted.</p>

STAGE 3: EVIDENCE

Question 8a: What quantitative evidence have you used to inform your assessment? What does it tell you?			
Evidence collected	Evidence source	Explanation of the importance	What are the data gaps, if any?
<p>More help for young people and families who don't have enough money</p> <p>55% of 7-11</p> <p>40% of 11-18</p>	Children's Commissioner's Survey 2018	Averaged, this means that 48% of respondents between the ages of 7-18 felt that it was important – in fact, a priority, to give more help for low income households.	Rationalisation of data – that is how high a priority the children considered this
<p>50% of 11-18 year olds stated that it should be free to go to the Doctor if you are not well</p>	Children's Commissioner's Survey 2018	Children and Young People should not be made to feel that they do not have access to health care because of cost	Whether they felt it should be free for all or free for children

22% of children responding said they weren't more physically active due to cost	School Survey 2019	See Children and Young People's Plan 2019-23 – Live Healthy Lives <i>Increase children's quality of life</i> <i>Increase the number of children who are a healthy weight</i>	Multiple reasons may apply
33% of Year 6,8,10 +12 who responded said that being poor was a reason that children got bullied	School Survey 2019	See Children and Young People's Plan 2019-23 – Grow up safely <i>Reduce the number of children being bullied</i> <i>Reduce the number of children who are victims of crime</i>	Multiple reasons may apply
13% of Jersey children lived in households below relative low-income threshold. 44% of single-parent households find it difficult to cope.	In the Children and Young People's Plan 2019-23 – + Jersey Household income Distribution 2014/15	Important to understand the number of children that this proposition might affect – hopefully it would lead to a reduction of this percentage N.B After Housing costs are taken into account, this percentage increases dramatically to 29% of children – showing the effect of housing costs on lower income earners	-
5% of total dwellings in Jersey were classed as	Children and Young People's Plan 2019-23	Article 27 UNCRC Every child has the right to a standard of	-

<p>‘overcrowded’; 10% of households with dependent children and 19% of households with any children aged under 1</p>		<p>living that is good enough to meet their physical, social and mental needs. Governments must help families who cannot afford to provide this. For this to happen they should have access to adequate housing.</p>	
<p>Jersey children’s ‘Health Related Quality of Life’ score is slightly lower than European average³</p> <ul style="list-style-type: none"> • Increasing trend over years on low levels of self-esteem among young people 	<p>Children and Young People’s Plan 2019-23</p>	<p>Jersey 48.4</p>	

<p>Question 8b: What key missing information / evidence would have been beneficial to your analysis?</p>
<p>Up to date data on the number of children living in Low Income households</p>
<p>Furthermore specific analysis of how the impact of low income directly affects children</p>

³ [All children in Jersey live healthy lives \(resultsscorecard.com\)](http://resultsscorecard.com)

Question 9a: What qualitative evidence have you used to inform your assessment? What does it tell you?		
Evidence collected	Evidence source	Explanation of the importance
<p>“There is no garden or space in area where I live. We just need a better flat where I can have my one room, and all the children should have the same. But mum says that is too expensive to move to a different place a specially when she is not sure how much money she is going to get in a week. No child should have the same problem as my family.”</p>	<p>P14 Children’s Commissioner’s Survey 2018</p>	<p>Importance of space and privacy in children’s development – See UNCRC Article 27 and 31</p>
<p>“Being able to go the doctors without it costing my parents lots of money.”</p> <p>“Make sure they all had a home with food and drink.”</p> <p>“I would like to make play activities and outdoor activities something that all children can do without worrying if their family can afford it.”</p> <p>“I think houses and flats are really expensive in Jersey and sometimes mums and dads don’t earn enough money to afford a nice house for them and their children to live in and sometimes landlords have nice big houses but won’t let children live in them.”</p>	<p>7-11 Year olds Page 22 Children’s Commissioners Survey 2018</p>	<p>When asked what the Children’s Commissioner could do to make things better for Children in Jersey – these are some of the answers given by 7-11 year olds. Simple things that children should not need to be worrying about – the access to health care, to food, to play, to a reasonable home.</p>

<p>“Focus on the financial imbalance and fluctuating behaviour that affects low income homes and split families and how it can severely affect the education, livelihood and future of the children living in those homes.”</p> <p>“Make sure families have enough money to buy good food for their children. I’ve heard some children have had less food in their lunch boxes nearer the end of the month.”</p> <p>“Young families with limited money giving them a safe environment plenty of food and drink and a warm home.”</p>	<p>11-18 Year olds</p> <p>Page 25</p> <p>Children’s Commissioners Survey 2018</p>	<p>When asked what the Children’s Commissioner could do to make things better for Children in Jersey – these are some of the answers from 11-18 year olds. Again, the themes are clear – the access of all to education, comfort, enough food and decent housing.</p>
--	---	---

<p>Question 9b: What key missing information / evidence would have been beneficial to your analysis?</p>
<p>Further discussions with Children and Young People about what poverty means to them, about what they felt low income families needed to help them.</p>
<p>Discussions with low income families about what they felt the effect would be on their children</p>

STAGE 4: SCRUTINISING CHILDREN’S INVOLVEMENT

<p>Question 10: Has evidence from third party consultations with children and young people been considered in the development of the proposal or measure?</p>			
Groups consulted	Source of Information	Please provide a brief description of process	What were the findings?
Children’s Commissioner	Online report	Survey of Islands Children undertaken in 2018	See Q 8+9 for relevant findings
School Survey 2019	Online report	Survey of school children	See Q 8+9 for relevant findings

		undertaken by Government in 2019	
--	--	----------------------------------	--

Question 11: What groups of children and young people have been directly involved in developing the proposal or measure?			
Groups involved [✓ if those affected by the proposal]	✓	How were they involved	What were the findings
No children have been directly involved in developing this proposition			

STAGE 5: ASSESSING THE IMPACT

Question 12: What impact will (or does) the proposal or measure have on children and young people's rights		
Type of impact [please highlight]	Justification for Argument	likely or actual short/medium/long-term outcomes
Positive	Backs up the principles of the Children's Plan 2019-2022 – Valued and Involved – Reduce Children's experience of poverty and the impact of living in a low-income family	Start to help reduce the disparity in family incomes which can lead to bullying, poor health and fitness, lack of suitable accommodation and/or care

Question 13: Will there be (or are there) different impacts on different groups of children and young people?		
Group of children affected	Initial analysis of the positive impact on rights	Initial analysis of the negative impact on rights
Greater impact on children from low income households	Potential to improve health, wellbeing and safety of children from low income families	None

Question 14: If a negative impact is identified for any area of rights or any group of children and young people, what options are there to modify the proposal or measure to mitigate the impact?	
Negative impact	What options are there to modify the measure(s) or mitigate the impact?

No negative impacts identified	
--------------------------------	--

STAGE 6: CONCLUSIONS AND RECOMMENDATIONS

Question 15: In summary, what are your key findings on the impact of the measure or proposal on children and young people’s rights?
The impacts of the proposition would have a positive effect on the Rights of low-income family children, and would be a step towards Putting Children First.

STAGE 7: PUBLISH CRIA

Question 16: Should the full assessment or a summary be published? Will a child-friendly version be produced?
Yes, this CRIA will be published.

STAGE 8: MONITOR & REVIEW

Question 17: Have the recommendations made in Stage 6 been acted upon?
Pending the results of the States Assembly debate

Question 18: Where recommendations have not been acted upon, is further action required?
It is acknowledged that this is one step on the road to addressing income inequality and to helping those children whose parents fall into the low-income bracket.

Appendix – links to research:

[8 Pledges to Put Children First](#)

- Pledge 1: Listen to children and young people**
- Pledge 2: Support families that need extra help**
- Pledge 3: Provide children in care with a safe, loving secure home**
- Pledge 4: Expand Early Help**
- Pledge 5: Recruit and retain professional workforce**
- Pledge 6: Make it easier to share data and information**
- Pledge 7: Ensure sufficient funding is available**
- Pledge 8: Publish clear standards and be held account for achieving them**

[Jersey Children and Young People’s Survey Report 2019](#)

[Children’s Commissioner for Jersey – Island Wide Consultation: The Findings](#)

[Children and Young People’s Plan 2019-23](#)

Putting Children First: The plan for Jersey’s children, young people and their families

[Jersey Household Income Distribution 2014/2015](#)

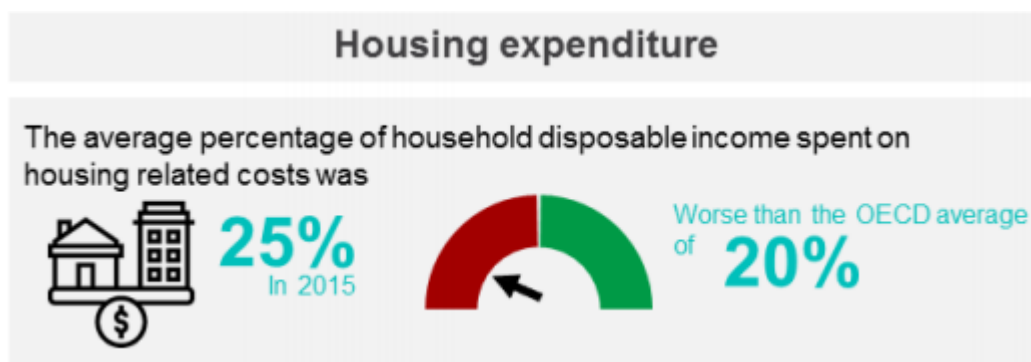
[Earning and Income statistics \(Gov.je\)](#)

[Jersey Better Life Index 2018](#)

Extract:

Housing

Adequate accommodation is considered to be a basic human requirement and it is widely accepted that where we live can affect our well-being. The quality and affordability of homes, coupled with their location and suitability to specific needs, are factors that can affect overall life satisfaction. Additionally, poor housing conditions, overcrowding and a lack of basic facilities can have a detrimental effect on both physical and mental health and a negative impact on the educational attainment and social behaviours of children. Similarly, high housing costs can leave little disposable income to spend on food, healthcare and other necessities



[Article 31 : Conventions on the Rights of the Child – Children’s Right to Play and the Environment](#)

International Play Association: Promoting the Child’s Right to Play

Submission to: UN Committee on the Rights of the Child Day of General Discussion,
2016
Children's Rights and the Environment

[Committee on the Rights of the Child](#)

General comment No. 17 (2013) on the right of the child to rest, leisure, play, recreational activities, cultural life and the arts (art. 31)

Extract:

Children living in poverty: Lack of access to facilities, inability to afford the costs of participation, dangerous and neglected neighbourhoods, the necessity to work and a sense of powerlessness and marginalization all serve to exclude the poorest children from realizing the rights provided for in article 31. For many, the risks to their health and safety outside the home are compounded by home environments which provide no or little space or scope for play or recreation. Children without parents are particularly vulnerable to loss of their rights under article 31; children in street situations are not afforded play provisions, and are commonly actively excluded from city parks and playgrounds, although they use their own creativity to utilize the informal setting of the streets for play opportunities. Municipal authorities must recognize the importance of parks and playgrounds for the realization of the rights provided for under article 31 by children living in poverty and engage in dialogue with them in respect of policing, planning and development initiatives. States need to take action to ensure both access to and opportunities for cultural and artistic activities for all children, as well as equal opportunities for play and recreation.

[Jersey Care Model](#)

[United Nations Convention on the Rights of the Child \(Incorporation\) \(Scotland\)](#)

[Bill: EQFSIA](#)

Details of the Equality Impact Assessment (EQIA) and Fairer Scotland Duty carried out in relation to the United Nations Convention on the Rights of the Child (Incorporation) (Scotland) Bill.

[Poverty and Children's Rights](#)

Aoife Nolan

The Oxford Handbook of Children's Rights Law

Extract:

In its General Comment No. 20 on the rights of adolescents, the CRC Committee addressed head-on the relationship between an “adequate standard of living” and poverty, stating that “[t]he impact of poverty has profound implications during adolescence, sometimes leading to extreme stress and insecurity and to social and political exclusion.”⁴⁸ In the same General Comment, the CRC Committee reminded states of the right of every child to a suitable standard of living for physical, mental, spiritual, moral development and “urged” them to introduce social protection floors that provide adolescents and their families with basic income security, protection against economic shocks and prolonged economic crises, and access to social services.⁴⁹

In its next General Comment No.21 on children in street situations, again when discussing the right to an adequate standard of living, the Committee outlined a range of measures that states should take to address the structural causes of poverty and

income inequalities so as to reduce pressure on and strengthen precarious families.⁵⁰ These measures include “introducing tax and expenditure policies that reduce economic inequalities; expanding fair-wage employment and other opportunities for income generation; introducing pro-poor policies for rural and urban development; eliminating corruption; introducing child-focused policies and budgeting; strengthening child-centred poverty alleviation programmes in areas known for high levels of migration; and offering adequate social security and social protection.”⁵¹ In doing so, the Committee emphasized that mechanisms and services making material support available to parents, caregivers, and directly to children should be designed and implemented on the basis of a child rights approach