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Deputy Catherine Curtis
Chair, Children, Education and Home Affairs Scrutiny Panel

BY EMAIL

20th February 2024

Dear Chair,

Children and Young People (Jersey) Commencement Act 202- (P.2/2024)

Thank you for writing to me on 12th February with a range of queries on the above to inform your Panel's scrutiny of the proposition. Please see below the answer to your queries and do not hesitate to contact me again if you need any further information.

(1) The CYP Law puts specific duties onto the “Minister for Children and Education” and that Minister is named as a “Responsible Minister” in the CYP Law. As the intention to split the Ministry has been announced by the new Government, please could you clarify:

a. how the CYP Law and accompanying statutory guidance will be adjusted to reflect the change.

The Chief Minister has notified the Assembly of his intention to lodge the [Draft Changes to Ministerial Offices \(Jersey\) Order 202-](#) on 13 February 2024. When the Order takes effect, the definition of ‘Minister’ in Article 1(1) of the Children and Young People (Jersey) Law 2022 will refer to the Minister for Children and Families.

In the Statutory Guidance, the definition of ‘Minister’ will be updated at the next review to refer to the Minister for Children and Families and the definition of ‘Responsible Ministers’ will include both the Minister for Children and Families and the Minister for Education and Lifelong Learning in place of the Minister for Children and Education.

b. the timescale for the change.

The Order will be made on 27 February 2024 and will come into effect at 9.30am the same day.

(2) Please could you explain how the statutory guidance (published as R.7/2024) has been developed and include some details in your response about how often it will be reviewed?

The Statutory Guidance was developed to assist practitioners and those working with children to understand their roles and responsibilities under the Children and Young People (Jersey) Law 2022 (the Law).

Crest Advisory were commissioned to develop the Statutory Guidance. A Local Expert Advisory Group¹ (LEAG) was formed to work jointly with Crest Advisory and provide local expertise and context to inform both the development of the Guidance and supporting training materials. A Project Board of 8 members, representing partners who will be affected by the Law, was appointed to review and make decisions on the development of the Guidance, as well as sign-off on materials.

Development of the Statutory Guidance followed 3 phases:

Phase 1: (May - June 2022) Crest Advisory met with members of the LEAG to ensure that all relevant stakeholders across health, children's services and education were identified and could be invited to attend workshops (see Phase 2) to support the development of the Statutory Guidance.

Phase 2: (July - August 2022) A series of workshops were held, each focused on one of the six areas to be covered by Statutory Guidance:

- Working together
- Information sharing
- Corporate Parenting
- Looked after children and care leavers
- Delivery of services for children and young people
- Review of child deaths

In total, 31 workshop sessions were held, and 69 stakeholders (identified in Phase 1) attended at least one of these workshops. These workshops were important forums to understand the current landscape and identify key lines of enquiry and areas of focus as the Statutory Guidance was developed.

Phase 3: (August - October 2022) Crest Advisory developed several iterations of the draft Statutory Guidance, with advice and expertise provided by members of the LEAG and Project Board. Following sign-off from the LEAG and Project Board, the draft Statutory Guidance was opened to [public consultation](#) between 1st November 2022 and 13th January 2023. This included seeking the views of children and young people. 40 survey responses were received and the consultation findings were published on gov.je. A small number of voluntary organisations requested further discussions on specific aspects of the consultation, as a result of which 2 round-table meetings were held to facilitate these discussions in April and July 2023. The draft Statutory Guidance was amended in response to the consultation.

The law does not prescribe a timetable for the review of Statutory Guidance. The Minister has flexibility as to when they may review any or part of the Statutory Guidance. In general, it is anticipated that the Statutory Guidance would be reviewed approximately every 2 years. The Minister is obliged by Law to consult the Children's Commissioner.

(3) Please could you explain how the Children and Young People Safeguarding Arrangements report (published as R.8/2024) has been developed and include some details in your response about how often it will be reviewed?

¹ The LEAG comprised 16 members representing Strategic Policy, Planning and Performance; Children Young People, Education and Skills; States of Jersey Police; the Law Officers' Dept and Health and Community Services.

The Children and Young People Safeguarding Arrangements document was developed by the previous Independent Safeguarding Partnership Chair and the Safeguarding Accountable Officers. In addition, members of the Safeguarding Partnership Board also received a copy of the final document for their review and comment. Accountable Officers will provide Responsible Ministers with a review of effectiveness of the Safeguarding Arrangements on an annual basis.

(4) Is youth-friendly information available about the objectives of the CYP Law and information about any changes it will create? Please provide details about how the information can be publicly accessed, and any future plans for development.

Community-friendly information has been prepared for the Children and Young People (Jersey) Law 2022 in respect of:

- Assessing need and support;
- Sharing information; and
- Corporate parenting.

For each of the above headings a single-page infographic has been developed along with a document reproducing the infographic text in an accessible format. A short (1m20s) animation has also been prepared. These resources are currently awaiting final sign-off and when approved will be published on gov.je to coincide with the enactment of the Law.

(5) Please could you confirm the level of training / qualifications / expertise on safeguarding children and young people that is required by the Safeguarding Partners (Accountable Officers) and Responsible Ministers named in the CYP Law?

No specific levels of qualification with regard to safeguarding are set out in either the Law or the Statutory Guidance. The Safeguarding Partners (Accountable Officers) and Responsible Ministers identified in the new law must have regard to the Statutory Guidance.

Each Accountable Officer will already be required to have a level of safeguarding expertise that is appropriate to their service area and included within their existing job description and/or job role.

As part of the induction process Responsible Ministers will be encouraged to complete the introductory e-learning module that provides an overview of the new Law as well as the specific module on Corporate Parenting.

a. Please could you provide details of the level of qualification / training held by the current Safeguarding Partners and Responsible Ministers.

Please see the response to question immediately above. This information is not held centrally or freely available.

(6) Please could you confirm the level of training / qualifications / expertise on safeguarding children and young people that is required by staff in relevant Government departments?

The Children and Young People (Jersey) Law 2022 consolidates the existing safeguarding training arrangements, previously set out as part of a Memorandum of Understanding between

agencies and the Safeguarding Partnership Board ([SPB Annual Report 2023](#) page 21 sets out the key Board agencies) including the multi-agency training delivered by the Safeguarding Partnership Board Team.

Staff working in government are required to have relevant qualifications and experience in accordance with the job description applicable to that role, or to be working towards such a qualification. For the purposes of enabling existing staff to comply with the Children and Young People (Jersey) Law 2022, the following resources have been put in place:

1. [Children and Young People \(Jersey Law 2022 - Statutory Guidance 7-minute briefing\)](#)
2. New online training on the Statutory Guidance is now available on Connect Learning for relevant staff. This comprises an Introductory Module, plus 3 further modules which cover specific aspects of the Guidance and can be taken according to an individual's role:
 - Information Sharing;
 - Working Together; and
 - Corporate Parenting.

Each training module is supplemented by a toolkit consisting of a set of activities linked to stated learning objectives. These activities are designed to be flexible and can be completed by organisations, groups of staff or individuals.

The existing Jersey's Children First (JCF) training remains in place for all relevant staff and has been updated to reflect the new Children and Young People Law Statutory Guidance. Staff are required to complete either the JCF Introductory training, JCF Essentials training or Essentials training plus additional modules according to their role, as set out in the table below:

Jersey's Children First

Multi-Agency Training Programme Overview

Choose your working role, then follow down the column to see the recommended training courses (shown in the yellow boxes)		
Working Role A	Working Role B	Working Role C
I work primarily with adults who may be parents/carers. I work in a community service sometimes accessed by children. I work in a service for children whose role does not involve direct contact with children and young people.	I work principally with children.	I work principally with children and in my role may act as a lead worker.
<p style="text-align: center;">Examples</p> Library Assistants Leisure Assistants Maintenance Staff Caretakers Lunch time supervisors Receptionists Administrators School Governors Health and Social Care Practitioners working with adults who may be parents	<p style="text-align: center;">Examples</p> Teachers Teaching Assistants Learning Support Assistants ELSAs Senior Leadership Team in any service Attendance Officers After school club worker/leader Sports club worker/leader Early Years' settings' staff Nannies Childminders Careers advisors	<p style="text-align: center;">Examples</p> Education Welfare Officers Designated Safeguarding Leads/Deputies in any service Designated Teachers for Looked After Children Special Educational Needs Co-ordinators GPs Midwives Family Partnership Workers Health Visitors Social Workers Skills Jersey Coaches / Mentors Youth Workers
Jersey's Children First: Introduction online course	Jersey's Children First: Essentials online course	Jersey's Children First: Essentials online course
No further training required	No further training required	<p style="text-align: center;">Completing an Early Help Wellbeing Assessment</p> <p style="text-align: center;">Using and Sharing Chronologies</p> <p style="text-align: center;">Roles and Responsibilities of the Lead Worker</p>

a. How is this monitored?

All relevant staff are being encouraged to complete the Statutory Guidance training and all or part of the JCF training, as appropriate to their role, ahead of the enactment of the law. Training activity will be monitored on the relevant platform including Connect Learning for Government of Jersey Employees and Virtual College for Community Voluntary Sector staff.

(7) Please could you confirm Government support available to help Corporate Parents (as listed in the Schedule of the CYP Law) understand their responsibilities and implement any changes required as a result of the CYP Law.

Detailed information on the responsibilities of Corporate Parents is contained in the Statutory Guidance, as well as in the Corporate Parenting e-learning module and accompanying toolkit.

Going forward, the [Corporate Parenting Board](#) will act as a key point of contact and resource for Corporate Parents with the objective of improving better outcomes for children in Care and Leaving Care.

a. What engagement and feedback has Government had with all listed Corporate Parents in preparation for the Commencement Act?

During the drafting of the Children and Young People (Jersey) Law the Minister for Children wrote to those agencies listed as Corporate Parents, to seek their support to include them in the schedule of the draft law. The letter was followed up by Officers.

All Corporate Parents were invited to comment on the Statutory Guidance during the Public Consultation on the Guidance. Feedback from representatives were incorporated into the final versions of the guidance and training.

Representatives from the Comité de Connétables were engaged throughout the Statutory Guidance drafting, including the development of the training and support materials. Feedback from representatives was incorporated into the final versions of the guidance and training.

(8) What is the status of the Regulations for independent advocacy?

a. Have the arrangements for advocacy been developed in line with the overriding objectives of the Law?

Article 44 of the Children and Young People (Jersey) Law allows the States Assembly to make Regulations that require the Minister for Children and Education to make reasonable arrangements relating to the appointment, remit, role, conduct and powers of independent advocates.

These Regulations have been drafted in line with the objectives of the Law and were subject to [public consultation](#) between 18 December 2023 and 18 February 2024. Following any amendments considered necessary as a result of the consultation, it is anticipated that the Minister will lodge the Regulations in April, for consideration by the States Assembly in May 2024.

Current, non-statutory independent advocacy services for children and young people, commissioned by the Government, remain in place until 2025. These services are provided by Jersey Cares and Barnardo's.

(9) What is the status of the Regulations and written procedure for complaints for children in care and care leavers? Where possible, please provide further details of how these are being developed.

The current Government of Jersey Complaints and Feedback Policy represents the written procedure required of the Minister as set out in Article 45 of the Children and Young People (Jersey) Law. ([Link](#))

In addition, the Children's Social Care Service uses the Mind of My Own app based method as a communication tool to enable children to be able to send information into the service for action. All children are shown the app and encouraged to use it to communicate with the service. Any statements that are sent into the department are picked up in the Standards and Quality Service and actioned.

(10) Has there been an assessment of the funding implications of the statutory guidance, including the implications for third sector organisations? If so, please could you provide details of the assessment.

The Statutory Guidance is based on the Children and Young People (Jersey) Law that was passed by the Assembly in 2022. A confidential copy of the briefing paper is enclosed, that was provided to COM in October 2021, estimating the parts of the Law where an anticipated increase may occur.

Please note that:

- the figures used in the briefing were correct at the time of writing.
- current figures as of January 2024 show that 384 families are currently accessing early help
- An overall number of children of 477 children had an allocated worker in Children Services including those currently under assessment
 - 109 children recorded as Children in Need
 - 68 children with a Child Protection Plan
 - 63 recorded as looked after children
- subsequent Government Plans (2023-26) secured significant additional investment in Children Social Care Reform and Education Reform Programme.

a. Is any Government funding available to support Corporate Parents and relevant providers with new duties?

Whilst there is no additional funding created specifically for Corporate Parenting activity there is an emphasis of Corporate Parents working together to plan and deliver Corporate Parenting activity as required under the law. The Corporate Parenting Board will be critical to enabling joint work in this area to progress.

(11) The Financial and staffing implications section of the report accompanying P.2/2024 references £6.54 million of funding per year approved by the 2023-2026 Government Plan for Children’s Social Care Reform. In relation to that funding, the Panel’s review of that Government Plan (see S.R.21/2022) found that “*whilst the high-level priorities and workstreams have been identified, there is further clarity required on the underlying detail and measurable outcomes for the programme*”. Please can you provide details of how the Children’s Social Care Reform programme has created new and improved ways of working in preparation for the commencement of the CYP Law?

The Children’s Social Care Reform programme comprises of 7 workstreams and over 25 projects. One project is focused on the Corporate Parenting Board, where the Board have agreed the training being rolled out across CYPES with regard to preparation for the CYP Law. Colleagues across CYPES are currently completing this training ahead of enactment. The programme is a complex area and officers would be pleased to offer a private briefing to the panel.

(12) What are the financial and staffing implications across other Government teams and departments (i.e. not in Children’s Social Care)?

The financial and manpower implications have been set out and approved by the Assembly in their [Government Plan 2021 – 2024](#) (Appendix 4).

The majority of the anticipated increases in activity are likely to be experienced in those services that fall under Children, Young People Education and Skills.

Existing activity now codified in the Children and Young People (Jersey) Law 2022 is already undertaken to a greater or lesser extent by services. For example, services working together to support children and families, child safeguarding activity including procedures to review child deaths, Virtual School Head, and corporate parenting.

Given the interdependencies of current service activities supporting children and families an accurate estimate of any new activity is difficult to quantify against existing service provision.

The Government Planning Cycle remains the main process for Government Departments to request additional resources.

(13) Please can you provide your assessment of how the Commencement Act for the CYP Law will impact Children's Rights in Jersey.

The Children Convention Rights (Jersey) Law 2022 was enacted after the Children and Young Peoples Law was debated by the Assembly. However, a detailed Children's Rights Impact Assessment (CRIA) was completed and circulated to Assembly Members ahead of the debate in February 2021. This identified that, once enacted, the draft Law would advance the Government's progress in introducing appropriate legislative, administrative and other measures for the implementation of the rights recognised in the UNCRC. Positive impacts were identified in respect of a number of individual UNCRC Articles.

Article 2: non-discrimination

Article 3(1): best interest to be a primary consideration

Article 3(2): State's obligation to ensure necessary care and protection

Article 4: implementation of the Convention

Article 6: right to life survival and development

Article 12: respect for the views of the child

In respect of the Articles listed above, the CRIA concluded that:

- “the Draft Children and Young People (Jersey) Law 202- sets out the arrangements for the assessment, planning and intervention across the continuum of need to individual children. This will augment existing child protection measures. In Parts 4, 5 and 7 [of the law] arrangements are described for providing wellbeing assessments and targeted interventions or support for all children on the basis of need, and for children with needs of a particular type – the most vulnerable.
- “These arrangements will further secure the principle that state parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her.
- “The Draft Children and Young People (Jersey) Law 202- sets out requirements in Part 3 and Part 6 to develop a strategic plan - led by Government but including Community Agencies - for children. This will secure a mechanism that will regularly assess children's needs at a population level and allow for the planning of service provision more collectively.
- “Part 8 of the Law makes provision for independent advocacy for children with greater levels of need/vulnerability and also requires the Minister to make regulations for a complaints procedure to ensure that children and young people (and their

families) can be heard and have a voice in respect of functions carried out under the law.

- “More broadly in terms of Article 12 children and young people must be consulted in the development of the strategic children’s plan, in producing and reviewing an individual child and family plans and appoint representatives of looked after children and care leavers to the corporate parenting board and before publishing information on services for looked after children and care leavers”.

Articles 13 and 17: freedom of expression

The right to independent advocacy will ensure the right to freedom of expression is upheld. In addition to this and the consultation mechanisms mentioned above, the Law introduces measures to ensure that information is made available by requiring publication of safeguarding arrangements, annual reporting, the development and publication of a 4-yearly Children’s Plan and for providers to report on service delivery.

Article 5: parental guidance and child’s evolving capacity

Article 18(1) and (2): parental responsibilities and State’s assistance

Article 19: protection from all forms of violence

Article 20: children deprived of a family environment

In respect of the Articles listed above, the CRIA identified that the Law introduces support for children and families based on assessed need; under Article 4 of the law arrangements to promote wellbeing must be made with regard to the importance of parents and other persons caring for children or young people in promoting their wellbeing. Any information sharing is to be necessary and proportionate having regard to the fundamental rights and freedoms of children, young people and their families. The support for children in this law is designed to support and underpin family life where this is needed.

Under the Law the Minister must, so far as is consistent with the general duty, promote the upbringing of children with a health or development need by their families.

The duty on the Minister to plan and provide for services for children with a health and development need will ensure support is available for the most vulnerable children.

For children deprived of a family environment - even when they are then placed within an appropriate placement in an alternative family setting - there will be new duties placed on corporate parents that apply up to the young person reaching the age of 25 under Part 6 of the law. More specifically Part 7 then details the types of support that the Minister must provide to children in care and care leavers.

Article 23: rights of disabled children

The Law will apply to all children up to the age of 18 which is consistent with the extent of the UNCRC’s applicability. It also goes further by extending the applicability of the law to ‘young people’ which is defined people who are aged between 18 and 25 and are care leavers; or who have a physical or mental disability. This is a recognition that life for these children presents a particular set of challenges that often requires ongoing support at least into early adulthood.

Children with a disability are automatically entitled to assessment and those children with unmet need that would benefit from a targeted intervention through a child and family plan will be eligible for services in the same way as children with a health and development need.

Under Part 4 of the Law there is a specific requirement to provide services for Children affected by disability. These must be designed to minimise the effect on any disabled child of his or her disability and to give these children the opportunity to lead lives which are as normal as possible. There is also provision for assistance to the people who provide care for children with disabilities so that they can continue to do so, or to do so more effectively, by giving them breaks from caring.

Article 28: right to education

The Overriding Objective of the Law (set out in Article 2) is to have the best interests of children and young people as a primary consideration and also to promote to the maximum extent possible the development health and wellbeing of children and young people.

Education is integral to both wellbeing and development and this is underscored in the law by the respective definitions of these terms:

- 'Development' includes behavioural, emotional, intellectual, mental, moral, physical, spiritual, or social development;
- 'Wellbeing' is to be carried out in respect of the extent to which the child or young person is safe, healthy, achieving, nurtured, active, respected, responsible and included.

There is a duty placed on the Minister to have regard for the needs of looked after children and care leavers, and to prepare them for leaving care and provide services relating to education, training, finance and employment. This reflects the fact that this group of children and young people can face additional barriers and should be given every opportunity to participate in education, with support and guidance extending to the age of 25.

Articles 34-36: protection from exploitation

Article 40: juvenile justice

The law will require the making of collective arrangements to safeguard children and names the CEO and most senior officers of each Government Department as designated safeguarding partners. These partners and their partner agencies must work together to safeguard children in any activities they carry out or commission in respect of children.

These collective arrangements will need to identify and respond to the needs of children and must be open to independent scrutiny, review and improvement. Arrangements are also put in place for the disclosure of information between safeguarding partners and partner agencies.

In placing the need to make safeguarding arrangements in law we are underpinning a capacity to respond to safeguarding challenges in a dynamic way which will allow emerging risks to be responded to in terms of children requiring special protection measures, as set out in the relevant Articles.

In summary, the effects on children's rights are expected to be positive and impact a range of rights as described above.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Richard Vibert', written over a horizontal line.

Connétable Richard Vibert
Minister for Children and Education