

STATES OF JERSEY



REGULATION OF THE PROFESSIONAL PRACTICE OF THERAPEUTIC COUNSELLORS (P.21/2025) – CHILDREN’S RIGHTS IMPACT ASSESSMENT

Presented to the States on 11th March 2025
by Deputy T.A. Coles of St. Helier South

STATES GREFFE

CHILDREN’S RIGHTS IMPACT ASSESSMENT (CRIA)

PART 1: SCREENING

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| Name and title of Duty Bearer: | Deputy T.A. Coles of St. Helier South |
| Type of Duty Bearer: (Minister, Elected Member or States Assembly Body) | Elected Member |
| Assessment completed by (if not completed by duty bearer): | |
| Date: | 07/03/2025 |

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| <p>1) Name and brief description of the proposed decision</p> <p>The subject of your CRIA may be a proposed law, policy or proposition and in accordance with the Law is referred to in this template as the ‘decision’</p> <ul style="list-style-type: none"> • What is the problem or issue the decision is trying to address? • Do children experience this problem differently from adults? <p>The proposition is trying to fix a gap in the requirement of health professionals to have to be registers with the Jersey Care Commission. Currently Counsellors to not have to be registered or be a member of a professional body. This can mean someone is not qualified to act in this capacity.</p> <p>Children may experience this differently, as this could be the first point of trust they establish with a professional outside of school. Being failed at this point might have longer repercussions.</p> |
| <p>2) Which groups of children and young people are likely to be affected?</p> <p>Groups of children could include early years, primary or secondary education; young adults; children with additional learning needs; disabled children; children living in poverty; children from particular ethnic backgrounds; migrants; refugees; care experienced children and LGBTQ+ children</p> <p>Any child that is showing signs of an issue with their mental health and are taken to counselling.</p> |
| <p>3) What is the likely impact of the proposed decision on children and on their rights?</p> <ul style="list-style-type: none"> • Identify any potential positive OR negative impacts and include indirect impacts on children and their rights as described in the UNCRC • Will different groups of children be affected differently by this decision? <p>Best interests of the Child (Art 3) to be a top priority</p> <p>Right to health and health services (Art 24) Review of treatment whilst in care (Art 25) If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.</p> <p>Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life.</p> |

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| 4) Is a full Children’s Rights Impact Assessment required? If you have identified impacts on children and their rights, a full CRIA should be completed. If no impacts are identified then a Full CRIA is not required, but please explain your rationale and how you reached this conclusion |
| Yes, a full CRIA should be completed. |

If screening determines that a full CRIA is needed, complete Part 2

Part 2: FULL CHILDREN’S RIGHTS IMPACT ASSESSMENT

| 5) What will be the impacts (positive or negative) of the proposed decision on children’s rights? For each of the UNCRC articles described below, click to identify any that may be relevant <input checked="" type="checkbox"/> | | | |
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| Category | UNCRC Article | Impact? YES NO | |
| Guiding Principles | Non-discrimination (Art 2) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Best interests of the Child (Art 3) to be a top priority | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Right to Life survival and development (Art 6) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Respect for the child’s views (Art 12) | <input type="checkbox"/> | <input type="checkbox"/> |
| Civil Rights & Freedoms | Right to birth registration, name and nationality (Art 7) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Right to an identity (Art 8) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Freedom of expression (Art 13) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Freedom of thought, conscience, and religion (Art 14) Every child has the right to think and believe what they choose | <input type="checkbox"/> | <input type="checkbox"/> |
| | Freedom of association (Art 15) Every child has the right to meet with other children and to join groups and organisations | <input type="checkbox"/> | <input type="checkbox"/> |
| | Right to Privacy (Art 16) including family and home life | <input type="checkbox"/> | <input type="checkbox"/> |
| | Access to information from the media (Art 17) Right to access reliable information from a variety of sources, in a format that children can understand | <input type="checkbox"/> | <input type="checkbox"/> |

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| | Protection against torture or other cruel, degrading or inhumane treatment or punishment (Art 37(a)) | <input type="checkbox"/> | <input type="checkbox"/> |
| Family Environment and Alternative Care | Respect for the responsibilities, rights and duties of parents (or where applicable, extended family or community) to guide their child as they grow up (Art 5) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Responsibilities of both parents in the upbringing and development of their child (Art 18) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Children must not be separated from their parents against their will unless it is in their best interests (Art 9) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Family reunification (Art 10) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Abduction and non-return of children abroad (Art 11) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Right to a standard of living that is good enough to meet the child's physical and social needs and support their development (Art 27) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Special protection for children unable to live with their family (Art 20) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Best interests of the child in the context of Adoption (Art 21) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Review of treatment whilst in care (Art 25) If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Protection from violence, abuse or neglect (Art 19) | <input type="checkbox"/> | <input type="checkbox"/> |
| Basic Health and Welfare | Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life. | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Rights of disabled children (Art 23) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Right to health and health services (Art 24) | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Right to social security (Art 26) | <input type="checkbox"/> | <input type="checkbox"/> |
| Education, Leisure and Cultural Activities | Right to adequate standard of living (Art 27) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Right to education (Art 28) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Goals of education (Art 29) Education must develop every child's personality, talents and abilities to the full | <input type="checkbox"/> | <input type="checkbox"/> |

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| | Leisure, play and culture (Art 31) Every child has the right to relax, play and take part in cultural and artistic activities | <input type="checkbox"/> | <input type="checkbox"/> |
| Special Protection Measures | Special protection for refugee children (Art 22) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Children and armed conflict (Art 38 and Optional Protocol #1) Governments must do everything they can to protect and care for children affected by war and armed conflict. | <input type="checkbox"/> | <input type="checkbox"/> |
| | Children and juvenile justice (Art 40) Right to be treated with dignity and respect, right to legal assistance and a fair trial that takes account of age. | <input type="checkbox"/> | <input type="checkbox"/> |
| | Inhumane treatment and detention (Art 37 (b)-(d)) Children should be arrested, detained or imprisoned only as a last resort and for the shortest time possible. | <input type="checkbox"/> | <input type="checkbox"/> |
| | Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| | Child labour and right to be protected from economic exploitation (Art 32) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Drug abuse (Art 33) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Sexual exploitation (Art 34) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Abduction, sale and trafficking of children (Art 35) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Protection from other forms of exploitation including for political activities, by the media or for medical research (Art 36) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Children belonging to a minority or an indigenous group (Art 30) | <input type="checkbox"/> | <input type="checkbox"/> |
| | Optional Protocol on the sale of children, child prostitution and child pornography | <input type="checkbox"/> | <input type="checkbox"/> |
| | Optional protocol on the involvement of children in armed conflict | <input type="checkbox"/> | <input type="checkbox"/> |

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| 6) Information and research What evidence has been used to inform your assessment? | | |
| Evidence collected (include links to relevant publications) | What did the evidence tell you? | What are the data gaps, if any? |
| Strategic Plan 2024-2027 – Office of the Children’s Commissioner for Jersey | Young People aged 13-17 - Question: What issues are still important to you? | |

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| | <p>85% of respondents cited Emotional and mental health</p> <ul style="list-style-type: none"> - Question: What other issues are important to you? <p>50 responses cited Health/mental health</p> <p>(p. 11)</p> | |
| <p>Jersey Children and Young People’s Survey 2021 / Statistics Jersey</p> | <p>“25% of years 4,6,8,10 and 12 had low or medium-low self-esteem.”</p> <p>“1 out of 3 young people from Years 10 and 12 have thought about self-harm.”</p> <p>“65% of Years 8,10 and 12 agreed they trust adults to quickly resolve any concerns they have.”</p> <p>(p. 52)</p> | <p>This is the latest version of the survey. More up-to-date information would be useful.</p> |
| <p>Counselling - NHS</p> | <p>“If you decide to pay to see a private therapist, make sure they're qualified and you feel comfortable with them.”</p> <p>“As counselling involves talking about sensitive issues and revealing personal thoughts and feelings, your counsellor should be experienced and professionally qualified.</p> <p>Reputable therapists will be registered with a professional organisation that's been accredited by the Professional Standards Authority (PSA). This means they have met the PSA's required professional standards to practise.”</p> | |
| <p>Core competences for work with young people</p> | <p>This is a 114 page document covering core competences</p> | |

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| (11-18 years) / British Association of Counsellors and Psychotherapists | for counsellors and psychotherapists working with young people. The sheer volume reflects the depth and breadth of knowledge that a professional body expects of its members in this area. | |
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| <p>7) Engagement with children What groups of children and young people (or those who speak on their behalf, such as social workers, teachers or youth workers) have been directly or indirectly involved in developing the decision?</p> | | |
| Groups consulted | How they were involved | What were the findings? |
| Young People aged 13-17 | Strategic Plan 2024-2027 – Office of the Children’s Commissioner for Jersey | <p>Question: What issues are still important to you? <i>85% of respondents cited Emotional and mental health</i></p> <p>Question: What other issues are important to you? <i>50 responses cited Health/mental health (p. 11)</i></p> |
| Children in years 4,6,8,10 and 12 | Jersey Children and Young People’s Survey 2021 / Statistics Jersey | <p><i>“25% of years 4,6,8,10 and 12 had low or medium-low self-esteem.”</i></p> <p><i>“1 out of 3 young people from Years 10 and 12 have thought about self-harm.”</i></p> <p><i>“65% of Years 8,10 and 12 agreed they trust adults to quickly resolve any concerns they have.”</i> (p. 52)</p> |

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| <p>8) Assessing Impact on children’s rights Based on the information collected and analysed above, what likely impact will the proposed decision have on the specific children’s rights identified in question 5)?</p> |
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| Relevant UNCRC Articles (rights) identified in Q5 | Describe the positive or negative impacts on these rights | Which group(s) of children are likely to be affected? |
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| <p>Best interests of the Child (Art 3) to be a top priority</p> <p>Right to health and health services (Art 24)</p> <p>Review of treatment whilst in care (Art 25) If a child has been placed away from home for the purpose of care or protection (for example, with a foster family or in hospital), they have the right to a regular review of their treatment, the way they are cared for and their wider circumstances.</p> <p>Recovery from trauma and reintegration (Art 39) Children who have experienced neglect, abuse, exploitation, torture or who are victims of war must receive special support to help them recover their health, dignity, self-respect and social life</p> | <p>Positive impact would be a consistent minimum level of qualification attained by counsellors. They should also be following an ethical standard to ensure they are practising within their level of competency. This would lead to a higher-level qualification and experience from counsellors offering specialised services.</p> <p>Negative impact might be an increase in cost due to improved level of competency.</p> <p>The increase level of competency required may lead to a reduction in the number of professionals offering a service.</p> | <p>Children with more complex needs would be more affected than other children, both positively and negatively.</p> <ul style="list-style-type: none"> • Positive is that the person offering services should be more competent and qualified. • Negative is that there might be a limited number of these professionals. |
| <p>9) Weighing positive and negative impacts</p> <ul style="list-style-type: none"> • If a negative impact is identified for any area of rights <u>or</u> any group of children and young people, what options are there to modify the proposed decision to mitigate the impact? • Could any positive impacts be enhanced? | | |
| <p>Though there are negative impacts, it is my opinion that the positive of a consistent level of qualifications and competency offers better protection to those with the highest level of need.</p> | | |

10) Conclusions
In summary, what are your key findings on the impact of the proposed decision on the rights of Jersey children?

Jersey's young people have signalled through various surveys that emotional and mental health are important issues for them. Furthermore, Jersey's young people have experienced low self-esteem and considered self-harm which speaks to a need to ensure professional and effective support services are available to those who need it. This decision would contribute to an increase in regulated mental health professionals.

As "65% of Years 8,10 and 12 agreed they trust adults to quickly resolve any concerns they have" the regulation of those who provide counselling services to children can contribute to maintaining and increasing that trust.

Without proper regulation and oversight of people offering counselling to children, even with best intentions, children might suffer from someone not being competent. This could lead to children suffering with mental health issues longer than could be avoided. This would contravene Articles 3, 24, 25 & 39 of the UNCRC