



Children's Commissioner for Jersey

Promoting and Protecting Children's Rights

MINUTES

Meeting of: Adult Advisory Panel
Venue: Brunel House, Old Street, St Helier
Date: 22 April 2020 (Skype)
Time: 09.30

Present:

Dr Peter Green
Maggie Atkinson
Deborah McMillan
Dragan Nastic
Philip Gower
Gailina Liew

Apologies:

Simon Hoffman
Mike Graham

Brief notes of meeting

- **Commissioner for Children and Young People (Jersey) Law 2019**

The Commissioner shared concerns that the GOJ Officers and Ministers are not consulting the Commissioner on amendments being lodged. Where the Commissioner has been consulted it has been with late notice prior to lodging with little time to prepare a response and no time to enable children and young people to participate in the process.

The Commissioner also shared concerns that the GOJ were not communicating effectively with the Commissioner and despite raising these concerns they were unresolved. The Commissioner has been informed that she must "*check gov.je morning, noon and night, for the latest press releases and information to ensure that they are up to speed and informed at all times...*"

An example being a letter sent by the Commissioner to the Children's Minister asking for assurance on a range of children's rights issues. The Minister took three weeks to respond. The Commissioner has sought early sight of propositions from the Group Director Policy however propositions are still being lodged without the Commissioner

being sighted on them in accordance with Commissioner for Children and Young People (Jersey) Law 2019 Part 4 25(1)(a) where the Minister must consult with the Commissioner upon any proposals for the preparation of any enactment directly concerning children or young people. A letter from the Youth Advisory Panel to the Children's Minister dated 8th April remains unanswered.

Action: Two letters to be drafted: DMc and [REDACTED]

One to be drafted by the Commissioner setting out Commissioner for Children and Young People (Jersey) Law 2019 Part 4 25(1)(a) duty for the Minister and consequences for the Minister for not fulfilling the duty. This letter will also set out the requirement under UNCRC for the GOJ to consult with children and young people on new legislation and any amendments where relevant to children's rights. The Commissioner will reinforce the message she has been providing over any emergency response being necessary, proportionate and lawful.

Another to be drafted by Peter Green and contributed to by AAP with regard to ongoing concerns around children's health, education, safeguarding and access to services.

- **Update on emerging issues**

Casework – there has been a spike in casework with the main themes being social care and education. There have been 18 Cases opened in the last 30 days.

Action – [REDACTED] to send casework report to the Panel

Foodbank

A complaint to the Commissioner reference a Portuguese speaking islander being turned away from the [REDACTED] was upheld. The Commissioner is concerned that islanders may not approach the new centralised foodbank if they feel they will be turned away if they haven't been resident for 5 years. I have been assured that [REDACTED] are working hard with other faith sectors to ensure this does not happen and the [REDACTED]. [REDACTED] reports that [REDACTED] are short of funds and are receiving no £ from the GOJ to provide food.

Mental Health Amendments

The Commissioner shared her concerns regarding the propositions to be debated today. The Commissioner was not consulted on these even though the legislation has been used for young people (Since 2018, under the Capacity Law, there have been four applications for significant restriction of liberty relating to people aged 25 or under.)

Action – Commissioner to send her formal responses to the AAP and monitor outcome of the debate.

Covid Emergency legislation

Discussion over the concerns that emergency legislation that clearly breaches human rights may be used as a smoke screen to bring in amendments to undermine protections to human rights. Commissioner shared information that the Covid Emergency Powers are to be reviewed in September. The Commissioner will monitor the situation closely.

Education

In England, a judicial review is sought on the DfE guidance ref safeguarding. [REDACTED] reminded the Panel that measures must be necessary, lawful and proportionate. The UN Office for the High Commission in Geneva will take a strong view against States disregarding human rights. In Scotland a CRIA has been carried out and is good practice. In Jersey, the CRIA does not yet exist.

County lines and grooming

In the UK there is an increase in CEOPS activity and concerns ref vulnerable children being groomed as they are not in school. Normal safeguards are no longer in place.

Health

[REDACTED] as Chair of the Health Safeguarding Panel is concerned that parents are not seeking medical support for childhood illness. A&E is really quiet. He has contacted Officers but has not yet received a response to his calls for additional comms to go out to parents.

Action The Commissioner will write to the Chair of the Health and Social Care Scrutiny Panel and seek her support (Mary Le Hegarat).