

Stakeholder Consultation

Regulation of Care (Jersey) Law 2014: Draft Regulations for social work and mental health services for children

This purpose of this consultation is to offer interested parties an opportunity to be aware of, and comment on, proposed new Regulations supporting the Regulation of Care (Jersey) Law 2014 (the “2014 Law”).

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1. Responding to the Consultation

The Consultation begins on Monday 19 July 2021 for over eight weeks, ending on Friday 17 September 2021. If you wish to take part in this consultation, please complete this form either online at www.gov.je or on paper and return it by post or email to the addresses below.

How we will use your information

The purpose of this survey is to gain your views on the draft Regulation of Care (Regulated Activities) (No. 2) (Jersey) Regulations and the draft Regulation of Care (Standards and Requirements) (Amendment) (Jersey) Regulations. This consultation does not require any personal information to be provided. If any personal information is divulged this will not be shared outside of the team developing these draft Regulations within the Department for Strategic Policy, Planning and Performance or published online as part of the consultation.

The information you provide will be anonymous unless you are providing a response on behalf of an organisation, in which case you may choose to provide the name of that organisation, below. Your responses will be included in any summary of statistical information received and views expressed.

The Government of Jersey may quote or publish responses to this consultation (send to other interested parties on request, send to the Scrutiny Office, quote in a published report, report in the media, publish on www.gov.je, list on a consultation summary etc.) but will not publish the names and addresses of individuals – comments from organisations may be attributed if they so choose. This will be done in compliance with the Data Protection (Jersey) Law 2018 for the purposes of this consultation. Further information on how we will use this information can be found in the [privacy notice](#). Under the Freedom of Information (Jersey) Law 2011, information submitted to this consultation may be released if a Freedom of Information request requires it, but no personal data will be released.

Part 1

Are you providing responses as:

1. A private individual
2. The representative of an organisation

If you are a private individual please ignore part 2, below.

Part 2

If you are providing responses on behalf of an organisation would you like to do so anonymously?

1. Yes
2. No, attributed

Organisation to attribute comments to, if applicable:

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2. Introduction

Background

This project was initiated following the Government of Jersey's response to the Report of the Independent Jersey Care Inquiry (IJCI), which recommended that a statutory basis for the independent inspection of Children's Services should be established. In its Report, the IJCI stated that:

*"[Legislation] must require inspections to be undertaken on a regular basis, on both announced and unannounced bases. Inspectors must have powers of access to all relevant premises, documents and staff at all times. Inspection reports must be made publicly accessible, as should the responses made to them by inspected services."*¹

The Regulation of Care Law, adopted by the States Assembly in 2014, provides a modern framework for the regulation of health and social care in Jersey. The 2014 Law came into force in January 2019, when care homes, care at home services and day care services for adults were made subject to the new regulatory regime under the Jersey Care Commission (JCC).

The draft Regulations presented in this consultation will apply to ten further categories of care service, covering social work and mental health services for children. These services are:

- adoption services;
- children's home services;
- fostering services;
- social work services for children and young people;
- independent monitoring and review of children's safeguarding arrangements;
- child contact centres;
- residential family centres;
- children and young peoples' mental health services;
- care services in special schools; and
- children and family community nursing services.

This consultation relates to two sets of draft Regulations, which are attached and should be read in conjunction with this consultation report. The first (the Regulation of Care (Regulated Activities) (No. 2) (Jersey) Regulations), describes the characteristics of services that will be regulated. The second (the Regulation of Care (Standards and Requirements) (Amendment) (Jersey) Regulations), sets out requirements and regulatory tools to ensure services provide care that is appropriate, safe and of a high quality.

In each section of this consultation document, stakeholders are asked for their feedback on a number of key questions.

¹ Recommendation 3 of the IJCI, Vol.3, p.55, paragraph 13.21

Definitions and terms used in this consultation document

The 2014 Law sets out a number of definitions on which the Regulations are based, these include:

Health Care: “includes all forms of health care (including nursing care) provided to individuals whether relating to physical or mental health, and also includes procedures that are similar to forms of medical or surgical care but are not provided in connection with a medical condition”

*Social Care: “means in respect of individuals whose welfare by reason of their age, mental or physical illness, disability, pregnancy, childbirth, dependence on alcohol or drugs, or for any other reason, puts them in need of any of the following –
(a) services provided under the direction or supervision of a social worker (as defined in Schedule 1) that include, but which are not limited to, assessing the personal needs of individuals and safeguarding individuals from risk of harm,
(b) any form of personal care and other practical assistance; or
(c) any form of personal support”

Nursing Care: “means services that, by reason of their nature and circumstances, including the need for clinical judgement, should be provided by a nurse, including –
(a) providing care;
(b) assessing, planning and evaluating care needs or the provision of care; and
(c) supervising or delegating the provision of care”

Personal Care: “means assistance in daily living that does not need to be provided by a nurse, being –
(a) practical assistance with daily tasks such as eating, washing and dressing; or
(b) prompting a person to perform daily tasks”

Personal Support: “includes supervision, guidance, counselling (other than counselling that is health care) and other support in daily living that is provided to an individual as part of a programme of such support.”

Registered provider: refers to the person or organisation that is registered to operate a care service (effectively the business owner)

Registered manager: refers to the person who is registered to manage a care service on a day to day basis

Registered person: refers to both the provider and the manager

Regulated activity: refers to those services which are described under Schedule 1 of the 2014 Law. These services are required to register with the JCC and will be subject to regulation and inspection.

*This is a new definition – see below.

3. Regulation of Care (Regulated Activities) (No. 2) (Jersey) Regulations – draft

Social Care Definition

The Regulation of Care (Regulated Activities) (No. 2) (Jersey) Regulations (the “draft Regulations”) amends the definition of social care under the 2014 Law so that it now encompasses social care assessments under the supervision of a social worker.

New definition of Social Care

Social Care: “means in respect of individuals whose welfare by reason of their age, mental or physical illness, disability, pregnancy, childbirth, dependence on alcohol or drugs, or for any other reason, puts them in need of any of the following –
 (a) services provided under the direction or supervision of a social worker that include, but which are not limited to, assessing the personal needs of individuals and safeguarding individuals from risk of harm;
 (b) any form of personal care and other practical assistance; or
 (c) any form of personal support”

Question 1	YES	NO	DON'T KNOW
Do you agree with the revised definition of social care?			

Existing Regulated Activities

There are currently three types of services; care homes, home care and adult day care services which are regulated activities under the 2014 Law. Minor amendments have been made to the definitions of these services under Schedule 1 of the draft Regulations.

Adult Day Care – paragraph 3

No substantive amendments have been made to the definition of adult day care but the paragraphs of Schedule 1 of the 2014 Law have been reordered.

Care Home – paragraph 4

Currently, children’s home services, including secure children’s homes, are regulated as a care home service. This new definition will exclude children’s home services from the care home category. Please note that children’s homes will continue to be regulated but under a new regulated activity, under paragraph 7 of Schedule 1 to the draft Regulations – see below.

Home Care – paragraph 5

The definition of a home care service has been amended to exclude the providers of community nursing services provided to children and their families from the home care category. Providers of children and family nursing services will be required to register under a new regulated activity, under paragraph 15 of Schedule 1 to the draft Regulations – see below.

Question 2

YES

NO

DON'T KNOW

Do you agree with the changes to the definitions of the existing regulated activities?			
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New Regulated Activities

The draft Regulations define and describe ten new categories of service which will become 'regulated activities' under the 2014 Law, including children's home services which are currently regulated as care homes. All the services described below will become subject to independent regulation and inspection by the Jersey Care Commission.

Adoption – paragraph 6

The Government of Jersey's Adoption Service will be regulated by the Jersey Care Commission. The draft Regulations also cover registered adoption societies but only if they operate in Jersey. Registered adoption societies include adoption societies which are registered in the UK and the States of Guernsey's adoption service, providing these have been approved by the Minister for Children and Education.

Article 6(1)(a) of the Adoption Law 1961 restricts persons other than the Minister for Children and Education from making adoption arrangements unless the proposed adopter is a relative of the child. This means that adoption services cannot be run by any other providers in Jersey.

Children's Home – paragraph 7

These services are currently regulated as care home services. This new definition will capture all residential accommodation which is provided together with care to children and young people only. If a service provides accommodation and care to children and to adults aged 22 and over, then this service will continue to be regulated as a care home service.

Children's home services are solely responsible for the day to day delivery of care to the children in their care. If the day to day delivery of care to children accommodated in the service is shared by the service with, for example, the child's parent then this is not a children's home service.

In some cases, young people, in particular care leavers up to but not including the age of 22, may be accommodated in a children's home.

Paragraph 7 also specifies that secure accommodation provided for children is to be regulated as a children's home service. Hospice services; long-term or respite nursing care services; and residential or respite services for children with learning difficulties or mental health problems are also to be regulated as children's home services, if the service is provided to children and young people up to the age of 22 only and the provider of that service has sole responsibility for the child's care.

Foster care, care provided in a hospital and care provided in private accommodation does not constitute a children's home service.

Fostering – paragraph 8

This definition includes all fostering services provided by the Government of Jersey and any support which is provided by the Government's Fostering Service in connection with privately fostered children.

Privately fostered children are those under the age of 16 who are cared for and provided with accommodation for more than 28 days by someone other than their parent, a relative or a person with parental responsibility for them.

Social Work for Children and Young People – paragraph 9

This definition is intended to capture all social work services provided by the Government of Jersey's Children's Service apart from those social work services which are provided in connection with adoption, fostering or the operations of a children's home. Social work services provided to children and young people by private or charitable providers will also be required to register with and to be regulated by the Jersey Care Commission.

The types of activities which are covered by this definition include but are not limited to the following activities, if they are provided to a child or a young person by a registered social worker or a person working under the direction or supervision of a social worker:

- providing assessments for the purpose of determining whether a child, young person or their carer is in need of financial support;
- arrangements for the safeguarding of children or young people who may be at risk of harm, including the performance of any statutory functions in this regard;
- health care assessments carried out by a registered health care professional or doctor employed or contracted to provide such assessments as part of a social work service for children and young people; or
- providing any other form of assessment, services or support.

In this context, "young people" are persons of between 18 to 25 years old who:

- have a disability;
- are or have been sentenced or placed in youth detention; or
- whilst under the age of 18 were:
 - looked after by the Minister for Children and Education;
 - subject to an emergency protection order;
 - accommodated in a voluntary home; or
 - were subject to private fostering arrangements.

Independent Monitoring and Review – paragraph 10

This refers to services which are provided under the direction of a social worker to monitor and review the arrangements made for children who are looked after by the Minister for Children and Education. This includes, for example, the review of arrangements made to foster a child or to place a child in a children's home.

Officers who perform these functions are termed Independent Reviewing Officers (IROs). This definition will ensure that the work of IROs in reviewing placements made by the Government of Jersey's Children's Service is regulated.

Child Contact Centre – paragraph 11

This is a service which is provided for the purpose of facilitating contact between children and, generally, parents who do not reside with them. This definition also covers when the child contact centre facilitates contact between a child and other persons connected with the child who do not reside with them, including other relatives or friends.

Residential Family Centre – paragraph 12

This describes a service which provides accommodation for children and their parents; the parents' capacity to respond to the children's needs and to safeguard their welfare is monitored or assessed; and the parents are given such advice, guidance or counselling as is considered necessary

This definition does not encompass services aimed at parents – such as a women's refuge. A women's refuge and similar residential services are different to a residential family centre because it is the parent who is primarily in receipt of the service. In these cases, a parent and child may be present in the refuge, but the parent retains responsibility for the child. In effect a refuge is a service provided for adults which is why it is not included here. This service is also distinct from a children's home service and a care home service.

Children and Young People's Mental Health Service – paragraph 13

This refers to outpatient mental health or psychological assessment, diagnosis and treatment services for children or young people. This includes services provided by the Government of Jersey's Child and Adolescent Mental Health Service (CAMHS), as well as any private providers of such services.

In this context, young people include those aged between 18 and 25 who were being treated by the service before the age of 18 and who are still being treated by the service after the age of 18, having not been referred for treatment as an adult by a different service provider.

Care Service in Special Schools – paragraph 14

This describes care services which are provided in schools which are termed, under the Education (Jersey) Law 1999, as "special schools." These are schools which are specially organised to make special educational provision for pupils with special educational needs.

The care services provided by special schools will be regulated by the Care Commission. The remit of the Care Commission will not extend to the regulation of education provided in these schools as this is outside the scope of the 2014 Law.

Children and Family Community Nursing – paragraph 15

This definition covers services provided by specialist community public health nurses and other nurses to children and their families in the community, in a family home or in a school.

This does not include services provided in special schools which will be regulated separately. This definition does cover, for example, the provision of baby clinics, health visiting services and school nursing services.

Those services which provide both home care to adults and community nursing to children and their families will be regulated for the performance of these functions separately.

Question 3	YES	NO	DON'T KNOW
a) Do you agree with the definition of adoption service?			
b) Do you agree with the definition of a children's home?			
c) Do you agree with the definition of a fostering service?			
d) Do you agree with the definition of a social work service for children and young people?			
e) Do you agree with the definition of a service for the independent monitoring and review of children's safeguarding arrangements?			
f) Do you agree with the definition of a child contact centre?			
g) Do you agree with the definition of a residential family centre?			
h) Do you agree with the definition of a mental health service for children and young people?			
i) Do you agree with the definition of a care service in special schools?			
j) Do you agree with the definition of a children and family community nursing service?			

Further Amendments to the draft Regulations

Are there any specific aspects of these draft Regulations which you think could be improved? Please note if you choose to provide comments these must relate specifically to the improvements which might be made to the draft Regulation of Care (Regulated Activities) (No. 2) (Jersey) Regulations. You must not provide any personal information to this consultation, including information which could identify either you or any other specific individual. In particular, you must not provide specific details of any care which you or others have either received or provided.

4. Regulation of Care (Standards and Requirements) (Amendment) (Jersey) Regulations – draft

These Regulations make amendments to the Regulation of Care (Standards and Requirements) (Jersey) Regulations 2018 (the “2018 Regulations”). The 2018 Regulations give people using care services, and their relatives, confidence that the care they will receive will be appropriate, safe and of a high standard. They include provisions concerning the suitability of people registered to operate and manage care services, the quality of care provided, operational requirements and arrangements relating to inspection.

The 2018 Regulations are largely generic and apply equally to all regulated activities except for Regulations 28, 29, 30 and 31 which apply only to children’s homes and children’s support services.

These Regulations make both amendments to some of the existing generic Regulations which apply to all regulated services and introduce additional requirements which will apply only to specific services.

Amendments to Existing Generic Regulations

Service User Definition – Regulation 1

Under the Regulation of Care (Standards and Requirements) (Amendment) (Jersey) Regulations (the “draft Regulations”) the term “care receiver” which is currently used in the 2018 Regulations has been replaced by “service user”. This is defined as any individual who receives or otherwise uses services provided in the carrying on of a regulated activity.

This change has been introduced because some users of care services are not in direct receipt of care. For example, an individual undergoing an assessment for their possible social care needs is not necessarily in receipt of care but they are unquestionably a service user, and the Care Commission must be able to ensure that all the services provided to them are appropriate.

Conditions of Registration – Regulation 3

The process for applying conditions to a provider’s registration is set out in the 2014 Law. This includes a right of appeal against any condition the Commission wishes to apply that is not already agreed with the provider as part of their registration.

The 2018 Regulations oblige the Commission to apply specific registration conditions for the purpose of ensuring that, once registered, a service remains appropriate for the needs of the people receiving care. The 2014 Law, however, is sufficiently flexible to enable a registered provider or manager to apply for a change or variation in the registration conditions should the circumstances or needs of a service change.

In general, the conditions applied to a registration are based on information supplied by providers in their Statement of Purpose which forms part of the application process. The Statement of Purpose includes the aims and objectives of the service, the type of care offered by the service, the number people provided care and details of how the service will operate.

The conditions applied to a provider’s registration include administrative details such as having a local address and providing the addresses of each location from which the service operates. They also include quality and safety features intended to ensure the service is capable of meeting users’ needs. This includes, for example, setting a maximum number of people for whom the service can provide care, the age ranges of people using the service and the types of care that can be provided. Providers are also required to operate the service in accordance with the Statement of Purpose and pay an annual fee each year.

The draft Regulations amend the 2018 Regulations to provide the Care Commission with the power to stipulate the maximum number of residents who can be accommodated in children’s homes and residential family centres, as well as care homes. Amendments also enable the Commission to make further stipulations about the nature of the care provided in child contact centres and in special schools, as well as adult day care centres.

The Regulations also specify that a registered manager will be required for each location at which a service is provided. However, in certain circumstances the Commission has discretion to permit a manager to be registered for more than one location if it is safe and appropriate to do so.

Question 4	YES	NO	DON'T KNOW
Do you agree with the proposed conditions to be applied to new regulated activities at registration?			

Openness and Transparency – Regulation 6

Those registered to operate and manage a regulated activity are required to be open and transparent in relation to the care and treatment they provide. As part of this, a registered person must inform anyone who is receiving care (or their representative) of any incident affecting their health or wellbeing and provide them with support.

In addition, the draft Regulations would impose a requirement on providers to have due regard to the protected characteristics of service users, if they have any. Protected characteristics are listed under the Discrimination (Jersey) law 2013 and include race, sex, sexual orientation, gender reassignment, pregnancy and maternity, age and disability.

Respect and Involvement – Regulation 7

Registered providers and managers must ensure that the people for whom they provide care are:

- treated with dignity and respect;
- are afforded privacy;
- enabled and supported to be as independent and autonomous as is practicable;
- enabled to participate in making decision about their support, care and treatment; and
- where appropriate, supported to manage their own care and treatment.

The draft Regulations would also ensure that care providers must make reasonable adjustments to facilitate the delivery of care and treatment to service users. Amendments provide that, as part of their duty to ensure care receivers make or participate in making decisions about their support, care or treatment, registered persons must enable and support care receivers or their representative to understand the care or treatment choices available to them and to discuss, with a competent health care professional or other competent person, the balance of risks and benefits involved in any particular course of treatment or care.

Person-centred Care – Regulation 8

Regulation 8 of the 2018 Regulations has been amended so that the obligations placed on regulated services in respect of the care and treatment (should the provider be providing treatment as well as care) which they provide to service users are clear. Care and treatment provided to service users must:

- be appropriate;
- meet their needs; and
- reflect their preferences.

Services must demonstrate that the needs of service users are assessed and regularly reviewed, and that, where practicable, this is done with the involvement and assistance of the person receiving care or their representative. This includes planning and delivering care or treatment with a view to achieving the service user's preferences and ensuring his or her needs are met, including any educational or training needs. Registered persons must ensure that the care and treatment provided is based on good practice and professional guidance.

The registered person must ensure that people receiving care are protected from inappropriate or unsafe care or treatment. They must have procedures in place to deal with emergencies.

Care home services must ensure that service users have access to necessary health care and personal care, including making referrals to relevant services where this is required.

Personal Plans and Care Records – Regulation 9

A personal plan must be prepared in consultation with the person receiving care or their representative setting out how their, health, safety and welfare needs will be met, and this should form part of the person's comprehensive contemporaneous care record.

Amendments have been made to ensure that, in preparing a service user's personal plan, registered persons must have due regard to the individual's age, disability (if any) and capacity. This new Regulation will also enable care providers to deny access to care records by service users' representatives if they deem this is appropriate in the circumstances.

Need for Consent – Regulation 9A

A new Regulation requires that care and treatment must only be provided with the consent of service users or, if applicable, their representatives. This does not apply in cases where the individual lacks capacity to consent under the Law and in cases where service users are being treated under the provisions of the Mental Health (Jersey) Law 2016.

Safeguarding – Regulation 11

Registered providers are required to make provisions to ensure that those in their care are safeguarded from harm or abuse. This Regulation has been amended to clarify the definition of abuse to include offences under the Sexual Offences (Jersey) Law 2018; the theft, misuse or misappropriation of money or property; or neglect or service users.

Question 5	YES	NO	DON'T KNOW
Do you agree with the amendments to the requirements to ensure that care is appropriate, safe, personalised and respectful?			

Nutrition and Hydration – Regulation 13

This obligation has been expanded to include a requirement that registered persons must provide care receivers with parenteral nutrition and dietary supplements when this has been prescribed by a health care professional.

Management of Medicines – Regulation 14

There are a number of obligations to meet the nutritional needs of those receiving care and to have safe systems in place to manage medicines. Regulation 14 has been amended to ensure that, where medicines are supplied (not merely administered) by the registered person, they must ensure that there are sufficient quantities of these to ensure the safety of service users and to meet their needs.

Shared Responsibilities – Regulation 15

To facilitate interagency support for people receiving care, there is a specific requirement for providers and managers to work collaboratively with the wider community team.

Premises and Equipment – Regulation 18

Where premises are provided as part of a regulated care service, the provider must ensure that they are fit for purpose. In addition, amendments would require registered providers to ensure that premises and equipment are properly and regularly maintained.

Complaints – Regulation 22

The draft Regulations will impose more detailed requirements in relation to the handling of complaints by care services. Registered persons must establish a written procedure for identifying, receiving, investigating and considering complaints or representations made by or on behalf of service users.

The service must maintain a written record of each complaint which includes the action taken in response to it, and the outcome of the investigation. The registered person must provide a summary of complaints made about their service over the preceding 12 months to the Care Commission, upon its request.

Question 6	YES	NO	DON'T KNOW
a) Do you agree with the amendments to the requirements in relation to nutrition and hydration, the management of medicines, shared care with other agencies and premises and equipment?			
b) Do you agree with the amendments to the requirements in relation to handling complaints?			

Existing Generic Regulations

Regulations 5, 10, 12, 16, 17, 19, 20, 21 and 23-27

It is not intended to amend the existing provisions of the 2018 Regulations, aside from those aspects of the Regulations which have been referenced above. These include, for example, current requirements relating to the fitness and suitability of workers, the financial viability of regulated activities and for services to carry out reviews of the quality of their services. These Regulations will continue to apply to existing regulated activities and will, in future, apply to the ten new regulated activities.

Inspections, Compliance and Offences – Regulations 80-82

Please note that Regulations 32, 33 and 34 of the 2018 Regulations have not been substantively amended. Under the draft Regulations, these provisions have been renumbered Regulations 80, 81 and 82 respectively.

The 2018 Regulations require the Care Commission to carry out an inspection of a regulated service at least once a year. The inspection regime does not apply to an individual who is directly employed to provide care as this would be overly intrusive. The annual inspection may cover monitoring compliance, reviewing the effectiveness of the service or may be to encourage improvements.

The Regulations clarify that, other than where specified, both the registered provider and registered manager are responsible for complying with the requirements.

Where non-compliance with the requirements is identified following an inspection or complaint investigation, and where there is no risk of serious harm or neglect, the Commission may serve an improvement notice to give providers an opportunity to address any deficiencies. Where, however, there is a risk of serious harm or neglect, or where serious harm or neglect has occurred, the registered person may be prosecuted without the

need to serve an improvement notice. If convicted the penalty for non-compliance with registration requirements is a fine of up to £50,000.

Question 7	YES	NO	DON'T KNOW
Do you agree with the generic requirements under the 2018 Regulations which will remain in place?			

Existing Regulations – Children’s Home Services

Regulations 28 to 31 of the 2018 Regulation apply to children’s home services. The draft Regulations make adjustments to these Regulations.

Children’s Homes – Regulations 28 and 29

The 2018 Regulations make some specific requirements for care services provided for children. In particular, the registered person must make provision for educational and leisure activities including:

- providing opportunities and support for private independent study;
- maintaining effective links with schools;
- enabling and encouraging leisure interests and activities;
- in cases where a child is over the age of 16, assisting and supporting the child with further education, training or employment.

The draft Regulations would, in addition, require children’s home services to:

- implement a procedure for monitoring educational achievement, progress and school attendance;
- promote regular school attendance and participation in school activities; and
- provide the child with such information and assistance, including equipment, as may be necessary to meet their needs.

The registered person must also ensure that children are protected from inappropriate disciplinary measures and restraint practices, or other behaviour management practices, in particular no child should be subjected to:

- any form of corporal punishment;
- deprivation of food or drink;
- restriction on contact with friends, family or other relatives;
- restriction on contact with his or her solicitor, appointed guardian, social worker, independent visitor or authorised person.

The service must also have in place a behavioural management policy that includes how unexplained absence or absconding will be managed. Amendments to the 2018 Regulations would require services to prepare this plan in conjunction with the States of Jersey Police.

Independent Persons for Children’s Homes

Registered providers of children’s home services are obliged to appoint an independent person to visit and report on the service. The functions of the independent person include reviewing and reporting on how effectively children are safeguarded and how well the home promotes children’s wellbeing.

The Regulations set out a number of requirements about the appointment to this role to reduce the likelihood of any conflicts of interest and ensure independence. The appointed independent visitor is required to visit at least once a month and as part of this visit must be able to meet in private with any children, parents, relatives and staff. In their report of the visit, the independent person may make recommendations with timescales that must be considered by the registered person and a copy of this report must be provided to the Commission, the Minister for Children and Education, the provider and manager.

	YES	NO	DON'T KNOW
Question 8			
Do you agree with the requirements under the 2018 Regulations which apply to children’s homes and which will remain in place?			

New Regulations – Adoption Services

Adoption services will be subject to a number of additional, specific requirements under the 2018 Regulations. Additional, specific Regulations are required because adoption service providers must discharge unique duties and, in so doing, follow due process. The Care Commission must have the ability to determine whether these duties have been successfully discharged and that due process has been followed.

Regulations 32 to 62 of the draft Regulations mirror the broad regulatory framework which is provided in England under the Adoption Agencies Regulations 2005. Regulations 35 to 42 set out the requirements which apply to an adoption service in relation to the children that the service is considering placing for adoption. Regulations 43 to 48 set out the requirements which apply to an adoption service when it is considering the suitability of potential adoptive parents. Regulations 49 to 59 set out the requirements which apply to the adoption service when it has decided that an individual or a couple may be suitable to adopt a child.

Appointment of a Medical Adviser – Regulation 33

The registered person is required to appoint at least one doctor to be the service’s medical adviser. The medical adviser must be consulted in relation to the disclosure of health information, when such a disclosure is legally required or permitted.

Preparation of Written Procedures – Regulation 34

This introduces a requirement for the registered person to prepare and to implement written policy and procedures which govern the way in which the adoption service and the Adoption Panel exercise their respective functions. In preparing these written policies and procedures, the service’s medical adviser and the Adoption Panel must be consulted. These policies and procedures must be kept under review and, where appropriate, revised.

The Adoption Panel is established under Article 7 of the Adoption (Jersey) Law 1961 (the “1961 Law”).

Question 9	YES	NO	DON'T KNOW
a) Do you agree with the requirement for adoption services to appoint medical advisers?			
b) Do you agree with the requirement for adoption services to prepare written policy and procedures in relation to its functions and those of the Adoption Panel?			

Requirements: Children Being Placed for Adoption – Regulations 35 to 42

Regulation 35 requires adoption services to establish a case record for every child that it is or was considering placing for adoption. The registered person is required to place certain specific information in each child’s case record, which is set out in paragraphs (a) to (k) of Regulation 35. The information each child’s case record must contain includes, for example, information and reports obtained by the service in relation to the child, the child’s permanence report and copies of relevant legal documents in relation to adoption of the child.

Regulation 36(2)(a),(b) and (3) require the adoption service to identify prospective adopters who may be suitable to adopt a particular child, use their best endeavours to find a particular prospective adopter with whom it proposes the child is placed and to assess whether a prospective adopter may be suitable to meet the child’s needs throughout childhood. Regulation 36(2)(c) provides that where the adoption service is considering adoption for siblings, the service will need to consider whether to seek to identify prospective adopters who may be suitable to adopt two or more of the siblings together, having regard to the interests of each child.

Under Regulation 37, registered persons must, as far as is reasonably practicable, provide every child with a counselling service. The service must explain the adoption process, including the legal implications of adoption, to every child in an appropriate manner. The registered person must also ascertain every child’s wishes and feelings in relation to their adoption, including contact with their parents and their religious and cultural upbringing.

Regulation 38 requires the adoption service to provide a counselling service for the parent or guardian of a child that the service is considering placing for adoption. The service must both explain the adoption process to them in an appropriate way and ascertain the wishes and feelings of parents or guardians in relation to the adoption. The service is required to perform these duties so far as it is reasonably practicable for it to do so. For these purposes, a parent also includes a father who does not have parental responsibility for the child and for whom the registered person is satisfied it is appropriate to provide these services.

The adoption service must, under Regulation 39, obtain detailed background information on each child, including, for example, their name, sex, date and place of birth, a physical description, their nationality and their racial origin and cultural and linguistic background. The service must also obtain a written health report on every child in their care from a

qualified doctor. The doctor should examine the child and the child should have any further examinations, including psychiatric examinations, which the service's medical adviser recommends. This is, however, subject to the child providing their consent to these examinations, if they are of sufficient understanding to make an informed decision.

Regulation 40 requires the adoption service to obtain relevant background information about the child's family. This includes key background information about both birth parents, about the child's siblings and other key relatives, as well as relevant history of relationships within the family. The service must also obtain information on the health of the child's birth parents and their siblings.

Regulation 41 requires the adoption service to compile a written permanence report and to provide this to the Adoption Panel whenever the Panel is requested to determine a question in relation to the child's proposed adoption. The report must contain all the key information which the adoption service has obtained in relation to the child, including relevant biographical information, information about the child's wishes and feelings, their parents' or guardians' wishes or feelings and the service's assessment of the child's need for continued contact with any particular individual.

When the Adoption Panel is consulted as to whether a child should be placed for adoption, Regulation 42 requires the adoption service to consider its recommendations and any advice it has given in relation to contact arrangements between the child and other persons. The service must ensure that no member of the Adoption Panel is involved in decisions made by the service in relation to the child.

Question 10	YES	NO	DON'T KNOW
a) Do you agree with the requirement for adoption services to establish case records?			
b) Do you agree with the requirement for adoption services to identify prospective adopters for each child in their care?			
c) Do you agree with the requirement for adoption services to provide counselling for and to ascertain the wishes and feelings of children in their care?			
d) Do you agree with the requirement for adoption services to provide counselling for and to ascertain the wishes and feelings of a child's birth parents or their guardians?			
e) Do you agree with the requirement for adoption services to obtain background biographical and health information about children in their care?			
f) Do you agree with the requirement for adoption services to obtain background biographical and health information about the birth parents and the families of children in their care?			

g) Do you agree with the requirement for adoption services to prepare a permanence report for every child in their care?			
h) Do you agree with the requirement for adoption services to consider any recommendations made by the Adoption Panel?			

Requirements: Prospective Adoptive Parents – Regulations 43 to 48

Regulation 43 states that adoption services must prepare a plan in consultation with every prospective adoptive parent. This plan must contain information about aspects of the adoption process, for example, on the counselling services provided, the process of obtaining police criminal background checks and information about the role of the prospective adopter in the adoption process.

Regulation 44 requires adoption services to establish a case record for every prospective adopter. The registered person is required to place certain specific information in each case record, which is set out in paragraphs (a) to (i) of Regulation 44. The information each prospective adopter’s case record must contain includes, for example, information and reports obtained by the service in relation to the individual, the prospective adopter’s plan and decisions and reviews in relation to the suitability of the prospective adopter to adopt a child.

Under Regulation 45, the adoption service is required to ensure that a prospective adopter is suitably prepared to adopt a child by providing them with a counselling service, explaining the legal implications of adoption (including assistance in overseas adoption cases, if relevant), and providing adoption information and training.

Regulation 46 requires adoption services to carry out police criminal record background checks on all prospective adopters and on all members of their household aged 18 or over. If a prospective adopter or a member of their household has been convicted of an offence listed under paragraph 2 of Schedule 4 to the Children (Jersey) Law 2002, the adoption service cannot consider the prospective adopter as suitable to adopt a child.

Schedule 4, paragraph 2 of the Children (Jersey) Law 2002

2. The offences referred to in paragraph 1(e) are –
- (a) the murder or manslaughter of a child;
 - (b) infanticide;
 - (c) an offence against a child under the Sexual Offences (Jersey) Law 2018;
 - (d) an offence against a child under any provision of an enactment or of customary law that was repealed by the Sexual Offences (Jersey) Law 2018;
 - (e) any other offence that is a relevant offence within the meaning of the Sex Offenders (Jersey) Law 2010;
 - (f) stealing a child or receiving a stolen child;
 - (g) assault on a child;
 - (h) an offence under Article 35 of this Law or Article 9 of the 1969 Law;
 - (i) any other offence involving bodily injury to a child;
 - (j) an offence under Article 2(1)(a) of the Protection of Children (Jersey) Law 1994;
 - (k) an offence under Article 38(1)(b) or (c) of the Adoption (Jersey) Law 1961;
 - (l) an offence under Article 37(12), Article 44 or Article 45(7);

- (m) an offence under Article 12 of the Day Care of Children (Jersey) Law 2002 or Article 45 of the 1969 Law; and
 (n) an offence under Article 54(6) of this Law or Article 52(5) of the 1969 Law.

The adoption service must, under Regulation 47, obtain detailed background information on each prospective adopter, including, for example, their name, sex, date and place of birth, their relationship status and details of any previous family court proceedings with which they have been involved. The service must obtain a written health report on every prospective adopter from a qualified doctor. The service must also interview two individuals who have been put forward by the prospective adopter to provide personal references about them and obtain written reports of these interviews.

Regulation 48 obliges the adoption service to take account of the background information it has obtained in deciding whether a prospective adopter may be or is not suitable to adopt a child. The service is required to notify the prospective adoptive parent of its decision, in writing, as soon as possible and to keep a record of its decision. When notifying prospective adopters who have been given preliminary approval to adopt a child, the service must explain to them that they are required to provide the service with notification that they wish to continue with the adoption assessment process within 6 months of preliminary approval being granted.

Question 11	YES	NO	DON'T KNOW
a) Do you agree with the requirement for adoption services to prepare a prospective adopter's plan?			
b) Do you agree with the requirement for adoption services to establish a case record for each prospective adopter?			
c) Do you agree with the requirement for adoption services to provide counselling for and to provide information to prospective adopters?			
d) Do you agree with the requirement for adoption services to carry out police criminal background checks on prospective adopters?			
e) Do you agree with the requirement for adoption services to obtain background biographical and health information about prospective adopters?			
f) Do you agree with the requirement for adoption services to take full account of relevant background information when making a preliminary decision as to a prospective adopter's suitability to adopt?			

Requirements: Adoptive Parents – Regulations 49 to 59

For those prospective adopters who receive preliminary approval, Regulation 49 requires the adoption service to prepare a written assessment plan in consultation with each prospective adopter. This plan must set out the procedure for assessing the prospective adopter's

suitability to adopt a child and information about the assessment process, including arrangements for additional counselling, amongst other matters.

Regulation 50 requires the adoption service to obtain further detailed background information on the prospective adopter, such as a physical description of them, their nationality, their racial origin and cultural and linguistic background, and a description of their personality and interests. The service must prepare a prospective adopter's report which contains all of the background information it has obtained about the prospective adopter, including health information, and provide this to the prospective adopter. If this information is being referred to the Adoption Panel, the service must notify the prospective adopter. The service must provide them with 5 working days to make written observations on the report.

Regulation 51 requires the adoption service to take account of the recommendation of the Adoption Panel when considering whether a prospective adopter is suitable to adopt a child. The service must ensure that no member of the Adoption Panel is involved in decisions made by the service about the suitability of a prospective adopter. The service is required to notify the prospective adoptive parent of its decision, in writing, and to keep a record of its decision. When the adoption service has decided that a prospective adopter is unsuitable, the service must provide them with reasons for this decision. The prospective adopter has 40 days to make representations against this decision. Upon receipt of such representations, the registered person is required to send these, alongside other relevant information, to the Adoption Panel which will recommend whether to uphold the service's original decision or not. The service must then make a final decision over the prospective adopter's suitability, having taken the Adoption Panel's recommendation into account.

Regulation 52 sets out the process by which the adoption service must undertake annual reviews of its decisions to approve prospective adopters. When, following a review, the adoption service determines that a prospective adopter may no longer be suitable to adopt, the service must send the prospective adopter's review report to the Adoption Panel. The Panel will consider the report and make recommendations. The adoption service must take these into account when making a final decision about a prospective adopter's suitability.

For those prospective adopters who have been approved to adopt a child, the adoption service must prepare a prospective adopter matching plan, under Regulation 53. This must set out information in relation to the process of placing a child for adoption with the prospective adopter and information about the role of the prospective adopter in identifying a child for whom they would be an appropriate adopter.

Regulation 54 sets out the requirements for the adoption service to adhere to when it is proposing to place a child with a prospective adopter. This includes its duty to provide prospective adopters with a copy of the child's permanence report and other key information in relation to the placement, to meet the prospective adopter to discuss the proposed placement and to ascertain their views. The service must determine whether it would be appropriate to pay an allowance, following an assessment of the needs of the child and the prospective adopter. It must also consider arrangements for allowing any person contact with the child. The adoption service must prepare an adoption placement report which must include the service's reasons for proposing the placement, in addition to the key information in relation to the placement. The service must provide the adoption placement report, the child's permanence report and the prospective adopter's report to the Adoption Panel.

Regulation 55 requires that, when making a final decision in relation to a proposed placement, the adoption service takes the Adoption Panel's recommendations into account and that no member of the Panel is involved in the service's decision. The service is required to notify the prospective adopter and the birth parents of the child, if possible. If the service decides to proceed with the proposed placement, the service must explain this decision to the child in an appropriate manner. The service must then update the child's case record.

Regulation 56 covers the adoption service's duties in relation to overseas adoption. When the service receives information from adoption services in another jurisdiction about a potential adoption of a child by a prospective adopter, the registered person must consider the information and meet with the prospective adopter to discuss it. It must also, if appropriate, provide a counselling service and any further information to the prospective adopter which may be prescribed by the Care Commission in its Care Standards.

Regulation 57 requires the adoption service to compile an adoption placement plan which covers information about the placement, including, for example, the arrangements for preparing the child and the prospective adopter for the placement, the date on which the placement will take place and the arrangements for reviewing the placement. This must be compiled following a meeting with the prospective adopter to consider the arrangements for the placement. The plan must be sent to the prospective adopter. The adoption service must send to the prospective adopter's general practitioner written notification of the proposed placement and send with that notification a written report of the child's health history and current state of health.

The adoption service is required to undertake periodic reviews of the cases of children in its care who have not been placed for adoption and of adoption placements it has made (prior to the making of an adoption order by the Court), under Regulation 58. Regulation 58 sets out the steps which the adoption service is required to take and the timings of those steps in relation to these reviews.

Regulation 59 requires the adoption service to appoint an independent reviewing officer to chair all meetings at which a child's case is being considered. The independent reviewing officer must be a registered social worker and must work under the direction or supervision of the registered manager of the independent reviewing and monitoring service, which will be regulated under paragraph 10 of Schedule 1 to the 2014 Law.

Question 12	YES	NO	DON'T KNOW
a) Do you agree with the requirement for adoption services to prepare a prospective adopter's assessment plan?			
b) Do you agree with the requirement for adoption services to prepare a prospective adopter's report?			
c) Do you agree with the requirements in respect of an adoption service's final decision as to a prospective adopter's suitability?			
d) Do you agree with the requirement for adoption services to review its approval of prospective adopters?			
e) Do you agree with the requirement for adoption services to prepare a prospective			

adopter matching plan following approval of prospective adopters?			
f) Do you agree with the requirements in respect of a child's proposed placement?			
g) Do you agree with the requirements in relation to an adoption service's decisions about proposed adoption placements?			
h) Do you agree with the requirement for adoption services to provide support with overseas adoptions?			
i) Do you agree with the requirement for adoption services to produce an adoption placement plan following a decision to place a child for adoption with a particular prospective adopter?			
j) Do you agree with the requirement for adoption services to review the cases of children in their care and to review adoption placements?			
k) Do you agree with the requirement for adoption services to appoint an independent reviewing officer to chair reviews of cases?			

Case Records – Regulations 60 to 62

Regulation 60 requires adoption services to keep the case records of children and of prospective adopters in secure conditions. Case records must be kept for no less than 5 years and they must be kept confidential.

Regulation 61 requires the adoption service to keep a written record of any access provided to or disclosure made from case records. Access to case records may be lawfully required by relevant legislation, the Court, or the Care Commission.

Under Regulation 62, adoption services in Jersey are required to keep a written record of any transfer made of a copy of a case record to an equivalent adoption service in another jurisdiction.

Question 13	YES	NO	DON'T KNOW
Do you agree with the requirements in relation to the storage and handling of case records by adoption services?			

New Regulations – Fostering Services

Fostering services will be subject to a number of additional, specific requirements under the 2018 Regulations. Additional, specific Regulations are required because fostering service providers must discharge unique duties, such as ensuring that fostering placements are appropriate to meet the needs of children.

Regulations 63 to 76 of the draft Regulations mirror the broad regulatory framework which is provided in England under the Fostering Services (England) Regulations 2011. Regulations 64 to 69 set out the requirements which apply to a fostering service in relation to the children

that the service is placing or has placed in a fostering placement. Regulation 70 sets out the requirements which apply to a fostering service in relation to foster parents. Regulation 71 makes additional requirements in relation to the handling of complaints. Regulations 72 to 74 set out the requirements which apply to the Fostering Panel. Regulation 75 requires fostering services to establish a procedure for receiving representations from foster parents who are no longer approved.

Some of the requirements which are in place under English legislation are covered in Jersey Law under the Children (Placement) (Jersey) Regulations 2005 (the "Placement Regulations"). This includes, for example, the process which fostering services must undertake to approve foster parents. Regulation 76 links the draft Regulations to the relevant requirements under the Placement Regulations, thus enabling the Care Commission to properly regulate the discharging of those requirements by fostering services.

Requirements: Children in Fostering Placements – Regulations 64 to 69

Regulation 64 requires fostering services to ensure that the welfare of children placed with foster parents is always safeguarded and promoted. The service must give due consideration to every child's wishes and feelings and to their religious persuasion, racial origin and cultural and linguistic background before making any decision affecting a child.

Fostering services are required to prepare and to implement a written policy which is intended to safeguard children from abuse or neglect, under Regulation 65. This policy must set out the procedure to be followed if allegations of abuse or neglect are raised.

Regulation 66 requires fostering services to prepare and implement written policy on acceptable measures of control, restraint and discipline of children placed with foster parents. Services must ensure that foster parents are aware that it is unlawful to use any form of corporal punishment against children, including smacking, in Jersey. This includes taking reasonable steps to ensure that no child placed with a foster parent is subject to any measure of control, restraint or discipline which is excessive or unreasonable. Fostering services are also required to prepare and implement written policy, which is agreed by the States of Jersey Police, setting out both the measures to be followed to prevent children from going missing from a foster placement and the procedure to be followed when a child goes missing from a foster placement.

Regulation 67 requires fostering services to promote contact between a child placed with a foster parent and the child's parents, relatives and friends unless such contact is not reasonably practicable or consistent with the child's welfare. It is recognised that there are other factors which may prevent the service from promoting contact, including an order of the Court.

Regulation 68 requires fostering services to promote the health and development of children placed with foster parents by ensuring that they are:

- registered as a patient with a registered general medical practitioner;
- able to access the medical, dental, nursing, psychological and psychiatric or other mental health advice, treatment and other services which they require;

- provided with such individual support, aids and equipment which they require as a result of any particular health needs or disability; and
- provided with guidance, support and advice on health issues as is appropriate to their needs and wishes.

Regulation 69 requires fostering services to promote the educational achievement of children placed with foster parents by:

- implementing a procedure for monitoring their educational achievement, progress and school attendance;
- promoting the regular school attendance and participation in school activities of children of compulsory school age; and
- providing foster parents with such information and assistance, including equipment, as may be necessary to meet the educational needs of children placed with them.

The registered person must ensure that education provided for any child placed with a foster parent who is of compulsory school age, but who is not attending school, is efficient and suitable to the child's age, ability, aptitude, and any special educational needs they may have. Services must ensure that foster parents promote the leisure interests of children placed with them. For children in a foster placement who are above compulsory school age, fostering services must assist with the making of, and give effect to, the arrangements made for the child's education, training and employment.

Question 14	YES	NO	DON'T KNOW
a) Do you agree with the requirement for fostering services to promote the welfare of children who are placed with foster parents, at all times?			
b) Do you agree with the requirement for fostering services to prepare and implement a written safeguarding plan?			
c) Do you agree with the requirements placed on fostering services in respect of children's behaviour management and children missing from a foster parent's home?			
d) Do you agree with the requirement for fostering services to promote contact between children placed with foster parents and their parents, relatives and friends?			
e) Do you agree with the requirement for fostering services to promote the health of children placed with foster parents?			
f) Do you agree with the requirement for fostering services to promote the educational achievement of children placed with foster parents?			

Support for Foster Parents – Regulation 70

The registered person is required to provide such training, advice, information and support to foster parents, including support outside office hours, as appears necessary in the interests

of children placed with them. Fostering services must ensure that foster parents act in accordance with policies in relation to safeguarding and behaviour management, and in accordance with the policy on children who are missing from foster placements.

Fostering services are required to provide foster parents with a copy of the most recent version of a child's personal plan. The service must provide any additional information, which is kept up to date, to enable the foster parent to provide appropriate care for the child.

Fostering Complaints – Regulation 71

Regulation 22 imposes detailed requirements in relation to the handling of complaints by all registered services, including fostering services. Regulation 71 requires fostering services to ensure that this complaints procedure includes a procedure for considering complaints or representations made by or on behalf of children placed by the fostering service, and by foster parents approved by the fostering service. Fostering services must ensure that children are enabled to make a complaint and that no child is subject to any reprisal for doing so.

Question 15	YES	NO	DON'T KNOW
a) Do you agree with the requirement for fostering services to provide appropriate support and information to foster parents?			
b) Do you agree with the requirement for fostering services to have an appropriate complaints procedure in place?			

Fostering Panel – Regulations 72 to 74

Regulation 72 requires the registered person to establish a Fostering Panel which is made up of individuals who have between them the experience and expertise necessary to discharge the functions of the Panel effectively. The Panel must include one or more social workers who have at least 3 years' relevant post-qualifying experience. The Panel must be chaired by a person who is independent of the fostering service, including approved foster parents, those working in children's social work for the Government of Jersey, anyone with a financial interest in fostering services or a States Member.

Regulation 73 requires the registered person to ensure that every meeting of the Fostering Panel is chaired by the independent chair, an independent vice chair or another independent member of the Panel. At least one social worker who has at least three years' relevant post-qualifying experience must also be present, as well as 3 other members of the Panel. A written record of every meeting of the Fostering Panel must be made.

The functions of the Fostering Panel are set out under Regulation 74. The registered person must ensure that the Panel:

- considers whether or not to recommend that a person is suitable to be approved as a foster parent;
- recommends the terms on which a foster parent should be approved;
- recommends whether or not a person remains suitable to be a foster parent;

- makes recommendations in cases which have been referred to it under Regulation 75, when persons appeal against decisions to approve or to no longer approve them as a foster parent; and
- advises and makes recommendations on other matters which the fostering service refers to it.

Under Regulations 14 and 15 of the Placement Regulations, the fostering service, acting on behalf of the Minister for Children and Education, is responsible for approving foster parents, for conducting regular reviews of these approvals, and for terminating approvals when appropriate. Regulation 74 of the draft Regulations does not alter this position but provides a role for the Fostering Panel to make recommendations before the fostering service makes its final decisions on these matters.

The registered person is required to ensure that no member of the Fostering Panel takes part in the final decision of the fostering service to approve or to terminate the approval of a foster parent. They must ensure that the Panel has access to the information it requires to discharge its functions.

Question 16	YES	NO	DON'T KNOW
a) Do you agree with the requirement to establish the Fostering Panel?			
b) Do you agree with the requirements relating to the meetings of the Fostering Panel?			
c) Do you agree with the functions of the Fostering Panel?			

Representations Against Removal of Approval – Regulation 75

The registered person is required to establish a procedure to allow individuals to make representations against decisions made not to approve them as foster parents; to impose certain terms on their approval as a foster parent; or to terminate their approval as a foster parent. There must be a timely independent review of any such representations. The recommendations of any independent reviews must then be referred to the Fostering Panel.

Requirement to Comply with the Placement Regulations – Regulation 76

Regulation 76 enables the Care Commission to regulate the existing requirements which are placed on fostering services under Regulations 13 to 27 of the Placement Regulations. This provision will allow the Commission to ensure that fostering services discharge statutory requirements in relation to:

- approving foster parents;
- reviewing and terminating the approval of foster parents;
- making suitable placements of children with foster parents;
- supervising foster placements;
- terminating foster placements;
- making emergency and immediate foster placements;
- establishing case records for children placed with foster parents;
- establishing case records for foster parents;

- maintaining a register of foster placements;
- maintaining a register of foster parents;
- retaining and maintaining fostering records confidentially; and
- making foster placements outside Jersey.

Question 17	YES	NO	DON'T KNOW
a) Do you agree with the requirement for fostering services to establish an appeals process in relation to the approval of foster parents?			
b) Do you agree that the Care Commission should be able to ensure that the fostering service is adhering to requirements imposed upon it under the Placement Regulations?			

New Regulation – Children’s Social Work Services

The generic Regulations (Regulation 2 to 27) under the 2018 Regulations, as amended by the draft Regulations, provide a sufficient basis on which the Care Commission can develop Care Standards and regulate children’s social work services effectively. Regulations 8 and 9 of the 2018 Regulations provide broad scope for the Commission to develop Care Standards in relation to both care assessments and care planning. While other Regulations ensure, for example, that children’s social work services must make proper provision for children in respect of their health, safety and welfare and that the service identifies and meets the needs of children who use the service.

Statutory Children’s Social Work Services – Regulation 77

When the social work service is performing the statutory social work functions for children and young people of any minister, Regulation 77 enables the Care Commission to develop Care Standards and to regulate the performance of those functions by the service. These statutory functions include functions of the Minister for Children and Education under the Children (Jersey) Law 2002. For example, this provision enables the Care Commission to regulate the effectiveness of the arrangements which the social work service has in place to investigate cases when children may be in need of protection, under Article 42 of the Children (Jersey) Law 2002.

These statutory functions will also include any functions of ministers under legislation which is enacted in the future. It is anticipated that relevant new legislation will be introduced in due course. If legislation is introduced in future, including in the areas of corporate parenting, the provision of services to children with a wellbeing need, and the planning and reviewing of children’s social care arrangements, Regulation 77 enables the Commission to regulate the performance of these statutory requirements by the social work service as soon as the legislation is enacted.

Question 18	YES	NO	DON'T KNOW
Do you agree with the approach taken to regulating children’s social work services?			

New Regulation – Independent Monitoring and Review Services

For those independent monitoring and review services which currently operate, there are sufficient requirements under Regulations 2 to 27 of the 2018 Regulations to enable the Commission to develop Care Standards and to regulate these services effectively.

Statutory Independent Monitoring and Review Services – Regulation 78

The independent monitoring and review of the arrangements made for children who are looked after by the Minister for Children and Education is not currently a statutory service. There is no legislation which underpins the work of Independent Reviewing Officers (IROs) in Jersey. There are, however, plans – as set out in the Children’s Legislation Transformation Programme which was published by the then Minister for Children and Housing in December 2018 – to provide for the role and functions of IROs in statute.

If any further legislation is enacted which sets out requirements for the role IROs, Regulation 78 enables the Care Commission to regulate the performance of these statutory requirements by the independent monitoring and review service as soon as the legislation is enacted.

	YES	NO	DON'T KNOW
Question 19			
Do you agree with the approach taken to regulating independent monitoring and review services?			

New Regulation – Child Contact Centres

As is the case with all other regulated activities, child contact centres will be required to provide services in adherence to the requirements under Regulations 2 to 27 of the 2018 Regulations.

Supervised Contact – Regulation 79

In addition, child contact centres will be required, under Regulation 79, to ensure that all contact between a child and their mother or father; a relative; or a friend, which is facilitated by the service is directly supervised by an employee of the child contact centre at all times. The requirement to provide direct supervision means that workers in the contact centre must be physically present when facilitating contact with children or must have a direct line of sight to the child and the other person through a window or by video-link.

	YES	NO	DON'T KNOW
Question 20			
Do you agree that child contact centres should be required to directly supervise contact between children and others when in the care of the service?			

Further Amendments to the draft Regulations

Are there any specific aspects of these draft Regulations which you think could be improved? Please note if you choose to provide comments these must relate specifically to

the improvements which might be made to the draft Regulation of Care (Standards and Requirements) (Amendment) (Jersey) Regulations. You must not provide any personal information to this consultation, including information which could identify either you or any other specific individual. In particular, you must not provide specific details of any care which you or others have either received or provided.



5. Privacy Notice for this Consultation

Strategic Planning, Policy and Performance Department Regulation of Children’s Social Work and Mental Health Services Consultation Privacy Notice (Fair Processing Notice)

The Strategic Policy, Planning and Performance Department is registered as a ‘Controller’ under the Data Protection (Jersey) Law 2018 as we collect and process personal information about you. Our registration number is 67347. We process and hold your information in order to provide public services and meet our statutory obligations. This notice explains how we use and share your information. Information may be collected on a paper or online form, by telephone, email, or by a member of our staff, or in some cases, by another government department.

We will continually review and update this privacy notice to reflect changes in our services and feedback from service users, as well as to comply with changes in the law.

WHAT	WHY
<p>What information do we collect about you?</p> <p>We may collect the following types of information about you:</p> <ul style="list-style-type: none"> • Name • Email address • Postal address • Your preferences in relation to further involvement with the Citizens’ Jury on Assisted Dying <p>We will not hold or process the names and contact details of persons other than the person making contact (or persons authorised). Should we receive this information, it will be securely and confidentially deleted and/or disposed of.</p>	<p>Why do we collect information about you?</p> <p>We need to collect and hold information about you, in order to:</p> <ul style="list-style-type: none"> • seek views of islanders and other stakeholders on the proposed new draft Regulation of Care Regulations • provide policy advice to Ministers • register your interest in this subject area, in order that we can respond after the consultation closes • respond to Freedom of Information Requests

HOW

How will we use the information about you and who will we share your data with.

Protecting your privacy and looking after your personal information is important to us. We work hard to make sure that we have the right policies, training and processes in place to protect our manual and electronic information systems from loss, corruption or misuse. Where necessary we use encryption, particularly if we are transferring information out of the department. Encryption means the information is made unreadable until it reaches its destination.

We will use the information you provide in a manner that conforms to the Data Protection (Jersey) Law 2018.

We may not be able to provide you with a service unless we have enough information or your permission to use that information.

We will endeavour to keep your information accurate and up to date and not keep it for longer than is necessary. In some instances the law sets the length of time information has to be kept. Please ask to see our retention schedules for more detail about how long we retain your information.

Where necessary, we may disclose your information to other Government of Jersey departments or organisations, either to fulfil your request for a service to comply with a legal obligation, or where permitted under other legislation. Examples of this include, but are not limited to: where the disclosure is necessary for the purposes of the prevention and/or detection of crime; for the purposes of meeting statutory obligations; or to prevent risk of harm to an individual, etc. These departments and organisations are obliged to keep your details securely, and only use your information for the purposes of processing your service request. We will only do this, where possible, after we have ensured that sufficient steps have been taken by the recipient to protect your personal data and where necessary we will ensure that the recipient has signed a Data Sharing Agreement. A Data Sharing Agreement sets out the purpose of the sharing and the rules that must be followed when processing your data.

We may need to pass your information to other departments or organisations outside the Government of Jersey who either process information on our behalf, or because of a legal requirement. We will only do so, where possible, after we have ensured that sufficient steps have been taken by the recipient to protect your personal data.

We will not disclose any information that you provide ‘in confidence’, to anyone else without your permission, except in the few situations where disclosure is required by law, or where we have good reason to believe that failing to share the information would put someone else at risk. You will be told about this unless there are exceptional reasons not to do so.

We do not share or process your information overseas. We do not use web services that are hosted outside the European Economic Area.

At no time will your information be passed to organisations for marketing or sales purposes or for any commercial use without your prior express consent.

Publication of your information	E-Mails	Telephone Calls
<p>We may need to publish your information on our website for the following reasons:</p> <ul style="list-style-type: none"> Where we are required to provide statistical information about a group of people; although your data will be anonymised to protect your identity. 	<p>If you email us we may keep a record of your email address and a copy of the email for record keeping purposes.</p> <p>For security reasons we will not include any confidential information about you in any email we send to you. We would also suggest that you keep the amount of confidential information you send to us via email to a minimum or use our secure online services where possible or correspond with us by post.</p> <p>We will not share your email address or your email contents unless is it necessary for us to do so; either to fulfil your request for a service; to comply with a legal obligation, or where permitted under other legislation.</p>	<p>We do not record or monitor any telephone calls you make to us using recording equipment, although if you leave a message on our voicemail systems your message will be kept until we are able to return your call or make a note of your message. File notes of when and why you called may be taken for record keeping purposes. We will not pass on the content of your telephone calls, unless is it necessary for us to do so; either to fulfil your request for a service; to comply with a legal obligation, or where permitted under other legislation.</p>

Your rights

<p>You can ask us to stop processing your information You have the right to request that the Strategic Planning, Policy and Performance Department (on behalf of the Council of</p>	<p>You request that the processing of your personal data is restricted</p>
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<p>Ministers) stop processing your personal data in relation to any of our services. However, this may cause delays or prevent us delivering a service to you. Where possible we will seek to comply with your request but we may be required to hold or process information to comply with a legal requirement.</p> <p>You can withdraw your consent to the processing of your information</p> <p>In the few instances when you have given your consent to process your information, you have the right to withdraw your consent to the further processing of your personal data. However, this may cause delays or prevent us delivering a service to you. We will always seek to comply with your request but we may be required to hold or process your information in order to comply with a legal requirement.</p> <p>You can ask us to correct or amend your information</p> <p>You have the right to challenge the accuracy of the information we hold about you and request that it is corrected where necessary. We will seek to ensure that corrections are made not only to the data that we hold but also any data held by other organisations/parties that process data on our behalf.</p>	<p>You have the right to request that we restrict the processing of your personal information. You can exercise this right in instances where you believe the information being processed is inaccurate, out of date, or there are no legitimate grounds for the processing. We will always seek to comply with your request but we may be required to continue to process your information in order to comply with a legal requirement.</p> <p>You can ask us for a copy of the information we hold about you</p> <p>You are legally entitled to request a list of, or a copy of any information that we hold about you.</p> <p>You can <u>submit a subject access request (SAR) using our online form.</u></p> <p>However where our records are not held in a way that easily identifies you, for example a land registry, we may not be able to provide you with a copy of your information, although we will do everything we can to comply with your request.</p>
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Complaints

<p>You can complain to us about the way your information is being used</p> <p>If you have an enquiry or concern regarding how the Strategic Planning, Policy and Performance Department processes your personal data you can:</p> <p>Telephone: +44 (0)1534 445443</p> <p>Email: oneSPPP@gov.je</p> <p>Strategic Planning, Policy and Performance Department 19 – 21 Broad Street St Helier Jersey JE2 3RR</p> <p>Or you can also complain to the Central Data Protection Unit about the way your information is being used</p> <p>Telephone: +44 (0)1534 440514</p> <p>Email: dpu@gov.je</p> <p>Central Data Protection Unit 3rd Floor 28-30 The Parade St Helier Jersey JE2 3QQ</p>	<p>You can also complain to the Information Commissioner about the way your information is being used</p> <p>The Office of the Information Commissioner can be contacted in the following ways:</p> <p>Telephone: +44 (0)1534 716530</p> <p>Email: enquiries@oicjersey.org</p> <p>Office of the Information Commissioner 2nd Floor 5 Castle Street St Helier Jersey JE2 3BT</p>
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