



Brief Notes

Meeting of: Adult Advisory Panel
Venue: Skype Meeting
Date: 23 July 2020
Time: 09.30-10.30am

Present:

Maggie Atkinson
Gailina Lieu
Dragan Nastic
Simon Hoffman
Mike Graham

Apologies:

Peter Green
Philip Gower

Deborah McMillan opened the meeting welcoming the Panel.

1. TEAM

DMc shared plans for staff restructure following advice from HR. Restructure will start in September 2020.

2. COVID

Discussed Government emergency amendments and Commissioner's formal advice to those amendments. Amendments are being lodged without consultation of the Commissioner as required in Law, or provided to the commissioner with insufficient notice to engage with children and young people.

3. DMc shared concerns over enabling legislation not being followed in respect of Article 25 Ministers duty to consult.

4. DMc updated panel on communications with Chief Minister regarding Article 25.

5. Discussion held on concept of due regard and how in Wales it is a pervasive duty. Here in Jersey we need to continue to change the mindset to consider children's rights in decision making. Must view children as citizens. ■■■ commented that there is an expectation that all propositions are likely to have some impact on children and therefore the Commissioner should be consulted in accordance with the Law. Trying to limit the scope of consultation in this way is disrespectful of the Law and the UNCRC. There is a perception among some that consultation is problematic and it is seen as a burden and in some cases risky. It may be worth a study trip of civil servants to Wales to see the due regard duty in action. ■■■ ■■■ in Welsh Government heads up the Child Rights Advisory Group and a visit may help to shift cultures and attitudes.
6. Reflective discussion on the public law issue – on JLIB as 'In the Matter of AA' - the court drew the line in the sand with the judgment taking into consideration the Children's Commissioner's evidence and giving full disclosure to the Commissioner under rule 25A **Children (Amendment No.3) Rules 2019**.
7. The Panel discussed the action taken to date and recommended that the Commissioner does not escalate to judicial review but seeks to mediate an outcome with the Chief Minister. Recommended that the Greffe gives a reminder to Ministers over their Lawful duty to consult with the Children's Commissioner.
8. **List of Issues for Periodic Reporting**
The Commissioner will gather together the evidence for the LOIPR report to the CRC Committee.
9. Civil society workshops are being planned for later in the year.
10. **Justice**
The Commissioner shared concerns over the use of deprivation of liberty and force on children in the island. Use of Greenfields for secure accommodation orders, for custody post sentencing and as inpatient unit of the hospital. Discussed UNCAT and degrading and inhumane treatment.
11. **Annual Report**
Discussed content and format to make sure it is both accessible and child friendly.
12. **Legislative Gap Analysis**
A workshop is planned for Government Of Jersey in August – Panel members welcome to attend.
ACTION: ■■■ to invite Panel members as observers.
13. **Casework**
Case work is rising as we expected. In excess of 80% more cases and caseloads are high. DMc restructure will be provide more capacity for casework and permanent appointment of a senior case worker.

14. Child Rights Approach

██████ is going to work with OCCJ to provide guidance similar to the work he undertook in Wales – ‘The Right Way.’

ACTION: DMc to further discuss with ██████

**There being no other business the meeting concluded at 10.20am.
Date of Next Meeting – 29 October 2020**