

RESPONSE TO QUESTIONS PURSUANT TO RULE 14 OF THE RULES OF PROCEDURE

From	President, Committee <i>for</i> Employment & Social Security
To	Deputy Lester Queripel
Subject	Review and implementation of the Children's Law, 2008
Date of response	12 May 2020

Preamble from Deputy Lester Queripel:

In 2015, a review of the implementation of the Children's Law, 2008, was undertaken here in the Bailiwick by Kathleen Marshall, on behalf of the Scrutiny Committee of the States of Guernsey. In her subsequent report on the review, which was published in November that year, Ms Marshall made 21 recommendations. In relation to those recommendations, I ask the following questions.

Question 1:

Are you able please to give me an update on the progress your committee has made in pursuit of the recommendations made by Kathleen Marshall, that are relevant to the services provided under your mandate?

Response

The only direct relevance of Kathleen Marshall's recommendations to the Committee *for* Employment & Social Security's mandate is recommendation 6, regarding the provision of legal aid for mediation by suitably trained Advocates in appropriate circumstances.

The Guernsey Legal Aid Service (GLAS) very occasionally funds mediation in non-family cases, but to date does not extend that to family cases (i.e. determining future residence and contact arrangements concerning the children of separated parents/grandparents). That is because family mediation can be accessed free of charge from the Family Proceedings Advisory Service (FPAS) who undertake a number of mediations annually. Mediation is something that GLAS encourages applicants for legal aid funding to consider. GLAS would support increased use of mediation. The current and previous Administrator have been in discussions with FPAS and other interested parties over the years to discuss and promote mediation including whether consideration needs to be given to training non lawyer mediators as opposed to Advocate Mediators.

Question 2:

If there are recommendations relevant to your committee's mandate that you haven't been able to pursue, then can you tell me please why you weren't able to pursue them?

Response

It is not so much that the Committee has not been able to pursue the recommendation made by Kathleen Marshall in relation to Legal Aid due to specific barriers. It is more that it has not been prioritised alongside the other work streams that the Committee was progressing this term. The

Committee's primary focus in relation to Legal Aid this political term has been the development and implementation of the Legal Aid (Guernsey and Alderney) (Schemes and Miscellaneous Provisions) Ordinance, 2018, and the Legal Aid (Guernsey and Alderney) Rules, 2019, which have placed the Guernsey Legal Aid Service on a full statutory footing.

Question 3:

I'm aware that you will be passing a Handover Report on to the committee that succeeds your committee after the forthcoming General Election, therefore in relation to that, can you tell me please whether or not you will be advising your successors, in that Handover Report, to pursue the recommendations you haven't been able to pursue?

Response

As your question came in before the publication of the handover reports, you will now be aware that the report from the Committee *for* Employment & Social Security did not explicitly mention the recommendations from Kathleen Marshall's review of the implementation of the Children's Law. However, the Committee's handover report did state that the Committee believes that a review of the way Legal Aid is provided in Guernsey is overdue. Funding for this could be accessed through the Transformation and Transition Fund, as directed by the outcome of the debate on the 2020 budget. It is expected that there will be a reprioritisation of all States expenditure as part of the recovery from the COVID-19 lockdown, so the business case for a review of the Legal Aid Scheme will need to join that process. Through this review, further consideration could be given to Kathleen Marshall's recommendations, in line with the work streams that the Committee *for* Health & Social Care is pursuing in this regard.