

**REPLY BY THE PRESIDENT OF THE COMMITTEE *FOR* HEALTH & SOCIAL CARE TO QUESTIONS ASKED PURSUANT TO RULE 14 OF THE RULES OF PROCEDURE BY DEPUTY LESTER QUERIPPEL**

Thank you for submitting a number of Rule 14 questions regarding the recommendations of the report, 'Guernsey: Children Law Review', carried out by Professor Marshall in 2015.

Before responding directly to the questions posed, I can advise that the Committee *for* Health & Social Care is currently drafting a Policy Letter that will recommend a series of amendments to the Children (Guernsey and Alderney) Law, 2008. The Committee's recommendations, many of which have been guided by the findings of the Marshall Report, have been informed by a period of targeted consultation with those organisations most closely involved in the family justice system.

In addition to the Committee's work in this area, the Chief Officer Child Protection Group has recently commissioned an independent report looking more closely at delay and duplication in the system, with a view to making further recommendations to improve the implementation of the Law and operational practice.

Turning now to your questions, I can update on progress to Professor Marshall's recommendations as they relate to the mandate of the Committee *for* Health & Social Care:

**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?**

**Answer**

The Committee *for* Health & Social Care has kept under review the recommendations of the Marshall Report. Some of the actions arising from the recommendations have been fulfilled, whilst others have been subject to further discussion in the Committee's recent consultation document and will be included in its forthcoming Policy Letter.

- Recommendation 10) - to take steps to ensure fulfilment of the legal duties to identify the extent to which there are children in need, and to publish information about services for them, is part of the Children & Young People Plan (CYPP). The Committee reported to the States in February 2019 with an interim update on the Plan ([Billet d'État III of 2019](#)).
- Recommendations 12) and 14) – the existing Island Safeguarding Children Partnership (ISCP) training programme has been developed to fulfil these recommendations to provide training on the Tribunal system and the role of the Convenor, together with clarification about the referral pathways.

- Recommendations 15) and 16) – the Committee’s forthcoming Policy Letter recommends that the threshold conditions for the Tribunal and Community Parenting Orders are redrafted to bring the added clarity as suggested by Professor Marshall.

The training provided to staff, the drafting of secondary legislation and preparation of practice guidance, together with the proposed redrafting of the thresholds, help to fulfil recommendation 16 of the Marshall report.

- Recommendation 17) - there is evidence that delay in decision making and processes involving children who are in need of care, protection, guidance and control is adversely impacting on the outcomes for some children and there is a continuing need to consider what steps might be taken to reduce delay at all stages of the process. The Committee’s Policy Letter will go some way to addressing this important issue and it is expected that further measures will be considered when the independent report for the Chief Officer Child Protection Group has been completed.
- Recommendations 18) and 19) - the CYPP 2016-2022 covers the island of Alderney and consultation took place to inform that plan, which sets out proposals for the further engagement of children and young people in the development and delivery of services. There is also an allocated Social Worker for Alderney that is based in the Multi-Agency Support Hub (MASH), which co-ordinates ‘in reach’ services as required.

In addition, the Youth Commission has a dedicated and professionally qualified Youth Worker based in Alderney and offers a range of community services that respond to the needs of the Island. This includes running a number of youth club sessions each week, delivering a National Princes Trust Award in Life Skills and providing 1:1 support for children at risk.

The Youth Commission also delivers the Youth Forum, which is the elected youth body for the Bailiwick and has representation from young people in Alderney. Their voices are fed in as a group through the CYPP. The Youth Commission also works closely with St Anne’s School, including by providing support to deliver the Duke of Edinburgh Award, and with other charities in Alderney through the offer of training, support and grant funding.

- Recommendation 20 – the Committee’s consultation document highlighted a number of matters falling in the jurisdiction of the Court, including the communication of information relating to Rule 58 and this will be the subject of further correspondence with the Bailiff.

## 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?**

## Answer

The findings of the Marshall Report highlighted the complexities of the family justice system and the recommendations themselves have required further detailed consideration. The general availability of resources has constrained the speed in which this work has been carried out but the review of the Law, which addresses the Marshall recommendations described above, has progressed incrementally and will culminate in a Policy Letter to the States of Deliberation shortly.

The following recommendations will not be included in the Policy Letter and remain outstanding:

- Recommendation 8) – the possibility of the Child, Youth and Community Tribunal having a role to play in some private law disputes has not been progressed and requires further discussion.
- Recommendation 11) – the Committee acknowledges the importance of further guidance to foster a greater shared understanding of the Law and the clarity around its implementation, as suggested by Professor Marshall.

Whilst the secondary legislation and some of the guidance suggested by Professor Marshall required to fully implement the Law remains outstanding due to resource constraints, the Committee seeks to raise the importance of completing this work as a matter of importance in its forthcoming Policy Letter.

- Recommendation 13) - the compulsion of attendance at Tribunal hearings received mixed feedback from respondents to the Committee's consultation, with strong feelings both for and against this approach from the different organisations. With such disparate views being expressed, the Committee feels unable to present firm recommendations about how to progress this particular recommendation at this time, although its Policy Letter will highlight the need for this to be discussed further with key parties and taken forward in a second stage of work.
- Recommendation 21) – this is broader in context and needs further consideration. However, comprehensive complaints processes are already in place that make provision for independent review and there already exists additional independent mechanisms to review Committee decision-making in the form of administrative reviews.

## 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?**

**Answer**

Yes. The Committee's handover report that has been published as part of the 'End of Term Report' by the Policy & Resources Committee highlights the importance of the review of the Children Law. The induction material for the new Committee will include a detailed progress update on the review of the Law, to enable the successor Committee to continue to progress the above workstreams (and others), which uphold the welfare of children in Guernsey and Alderney.