

Review Children Law and Outcomes Report FAQs

What is the Review of the Children Law and Outcomes?

In July 2021, the action Review Children Law and Outcomes was prioritised as a critical action of government in the Government Work Plan.

The action seeks to make improvements to the family care and justice system (“system”) and the lives of vulnerable children.

The action has been informed by several previous reviews on aspects of the system, including the most recent review carried out by an independent external reviewer resulting in the [Outcomes Report](#).

Given the substantial number and breadth of the changes under consideration it was agreed that the work to improve the system and amend the Law should be phased.

Phase 1 of the work seeks to put forward changes which will remove delays in making decision about the lives of children and their families when the state needs to intervene in their lives. The proposals put forwards to the States mostly relate to updating and amending the [Children \(Guernsey and Alderney\) Law, 2008](#) (“the Law”).

What is the Children (Guernsey and Alderney) Law, 2008?

The Law came into force in 2010 and aims to protect children from harm and to promote their health, welfare and development. It sets out the duties of parents, carers and the States of Guernsey.

It establishes the roles and responsibilities of different agencies within the system. The Law established several agencies including the Office for the Children’s Convenor, the Child, Youth and Community Tribunal and the Children’s Convenor Board.

The Committee *for* Health & Social Care is the committee responsible for the oversight and administration of the Law.

What is the Report on Outcomes for Children and Young Persons (2021)?

A review on the system was commissioned in 2019 by the Chief Officer’s Child Protection Group “to look at whether there were systemic issues and misalignment of functions impeding progress to improve the welfare and safeguarding of children in Guernsey and Alderney and, if so, what could be done to remedy them”.

The review was carried out by an independent, external reviewer and its findings are set out in the Report on Outcomes for Children and Young Persons (“the Outcomes Report”). The purpose of the review was to consider if there were any obstacles in the systems that prevented or impacted on beneficial outcomes for children.

It provided a number of recommendations relating to policy, amendments to legislation and operational processes.

The review's recommendations aim to reduce delays in the system, simplify and ensure each agency has clear roles, ensure the needs of each child entering the system are met and ensure the rights of the child and families are protected.

What is the Children & Young People's Board?

The Children & Young People's Board (CYPB) is a cross-Committee group with representation from the Policy & Resources Committee and the Committees *for* Health & Social Care, Education, Sport & Culture, and Home Affairs. The CYPB was established in October 2021 to oversee the Review of the Children Law and Outcomes action and made recommendations to the Committee *for* Health & Social Care on which proposals to take forwards.

The CYPB also acts as the Corporate Parenting Board who champion the rights of children in care and care leavers, and monitor the implementation of the Corporate Parenting Framework.

What is the Corporate Parenting Framework?

The aim of the [Corporate Parenting Framework](#) is to ensure the corporate responsibility of the States and its partner agencies to children in care and care leavers. The Framework has been informed by the experiences of children in care and care leavers, whose feedback has informed the current set of objectives for the Framework. The objectives of the Framework align with the priority Outcomes of the [Children & Young People's Plan](#).

Who was consulted on the proposed changes?

The system is complex and involves many different statutory agencies, individuals and organisations. The reviewers who undertook the previous reviews and the CYPB engaged and consulted extensively on the changes proposed.

Those consulted included, but were not limited to, the: judiciary and court officials, practitioners and social workers, Child, Youth and Community Tribunal, the Children's Convenor Board, the Youth Forum, the Youth Commission and the Guernsey Bar.

The Committee *for* Health & Social Care consulted all the Principal Committees whose mandates are engaged in the system and Alderney's Policy & Finance Committee.

What will change as a result of the review?

The changes put forward to the States for approval should, if approved, amend the Law and operational practice to remove delays within the system and enable decision-making to happen much sooner to reduce the negative impact of delays on the child. The changes should also strengthen collaborative working within the system and free up some capacity as it streamlines certain aspects of the process.

When are the changes going to be implemented?

The States are due to debate the proposals at their meeting of 28th September, 2022. Some of the changes will require amendments to the legislation, which will require legislative drafting. It is expected that the changes to the Law will be in place in 2024.

Some of the operational changes are already being taken forwards. Further work to plan for the implementation of the changes to the amended Law will occur before the Law is due to commence. For example, this will include training agencies on the changes to the Law and updating guidance and processes.

Who will be affected by changes to the Law?

The changes to the Law will affect the children and families who are, or who will be involved in the system as they will benefit from the reduction in delays in the system. The changes will mostly impact children and their families where state intervention in their lives is necessary, for example in emergency child protection cases or where a child can no longer live with their family.

Will the changes affect parents' rights?

The changes proposed will not impact the rights of parents. It will remain the case that both parents involved in family law matters will be treated equally and fairly. The changes proposed have all been checked for compliance with our international human rights obligations.

Will parental alienation be addressed through the changes proposed?

The changes proposed predominately seek to amend the Law in relation to matters covering public family law. Reducing the impact of parental alienation (the theory that one parent is manipulating the child to dislike the other parent) is already a matter taken into account by professionals and the court when determining any arrangements for children, mostly in private family law proceedings such as when parents' divorce.