

THE STATES OF DELIBERATION
of the
ISLAND OF GUERNSEY

28th September 2022

Proposition No. P.2022/74

Committee for Health & Social Care

Review of the Children Law and Outcomes

AMENDMENT

Proposed by: Deputy P J Roffey

Seconded by: Deputy Y Burford

1. To delete proposition 11 and substitute therefor:

“11. To direct the Committee for Health and Social Care, in consultation with the Committee for Home Affairs and the Office of the Children’s Convenor, to review the matters to be notified to the Children’s Convenor under the law and to revert to the States with any proposals for change.”

Rule 4(1) Information

- a) The proposition contributes to the States objectives and policy plans set out in the GWP 2021-2025 relating to young people and improvements to the Children Law and the family justice system.
- b) Consultation has been undertaken with the Committee for Health and Social Care and the Children and Young People’s Board.
- c) The proposition has been submitted to His Majesty’s Procureur for advice on any legal or constitutional implications.
- d) It is not considered that there will be any significant financial implications of carrying this proposal into effect.

Explanatory Note

The types of application referred to in proposition 11 are amongst a range of unusual actions relating to children that are to be notified to the Convenor under the 2008 Law. All matters to be notified are set out in either the Law or the Children (Children's Convenor) (Guernsey and Alderney) Regulations, 2010. These matters include other actions where the Convenor will not be directly involved, for example applications for a secure accommodation order and detention of a child under the Mental Treatment Laws.

Careful consideration was given at the time to the matters to be notified to the Convenor. The rationale for inclusion was to provide some independent oversight of matters and applications relating to children and young people and to enable the Convenor to provide relevant information to the Court where the Convenor and/or the Tribunal had previously taken action in respect of the child.

Anyone can make a referral to the Convenor and it is therefore possible that the Convenor will hold information that may not be known to the applicant (in many cases the Committee *for* Health and Social Care) or other parties.

The numbers of actions and applications notified each year are reported in the Convenor & Tribunal Board's Annual Report.

A wider review of the purpose and benefits of all notifications to the Convenor would be more appropriate. This would ensure that there are no unintended consequences arising from removal of these notifications, and would enable consideration to be given to how the wider community has visibility and an opportunity to scrutinise data relating to key interventions in children's lives. Proposals for change could be brought forward as part of phase 2.