



Jersey

CHILDREN AND YOUNG PEOPLE (JERSEY) LAW 2022

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Jersey

CHILDREN AND YOUNG PEOPLE (JERSEY) LAW 2022

A **LAW** to make provision to promote and support the wellbeing, and safeguard the welfare, of children and young people, and for connected purposes.

<i>Adopted by the States</i>	<i>8th February 2022</i>
<i>Sanctioned by Order of Her Majesty in Council</i>	<i>11th May 2022</i>
<i>Registered by the Royal Court</i>	<i>20th May 2022</i>
<i>Coming into force</i>	<i>in accordance with Article 48</i>

THE STATES, subject to the sanction of Her Most Excellent Majesty in Council, have adopted the following Law –

PART 1

INTERPRETATION AND OVERRIDING OBJECTIVE

1 Interpretation

(1) In this Law –

“administration of the States” has the definition given in the Employment of States Employees Law;

“appointed person” means a person appointed under Article 20(1) to prepare a wellbeing plan in respect of a child entitled to a wellbeing plan under Article 17 or 18;

“care leaver” means –

- (a) subject to paragraph (2), an individual aged 16 up to (but not including) the age of 25 who has been looked after by the Minister for a minimum period of 13 weeks, whether in aggregate or consecutively, from the age of 14 up to (but not including) the age of 18; or
- (b) an individual who is of such description as the Minister may by Order specify, and who at any time before the age of 18 was looked after by the Minister but ceased to be so looked after before that age;

“chief officer” means the senior States’ employee of a department or unit of administration established on behalf of the States;

“children” means individuals who have not reached the age of 18;

“children and young people services” means the function discharged in respect of children and young people by the administration of the States for which the Minister is assigned responsibility;

“Children Law” means the [Children \(Jersey\) Law 2002](#);

“Commissioner” has the definition given in the [Commissioner for Children and Young People \(Jersey\) Law 2019](#);

“corporate parents” means the persons listed, or described, in the table in the Schedule;

“corporate parenting board” is construed in accordance with Article 31;

“corporate parenting responsibilities” means the duties conferred on a corporate parent by Article 26(1);

“Court” means the Royal Court;

“Data Protection Authority” means the Authority of that name established under Article 2(1) of the Data Protection Authority Law;

“Data Protection Authority Law” means the [Data Protection Authority \(Jersey\) Law 2018](#);

“Data Protection Law” means the [Data Protection \(Jersey\) Law 2018](#);

“Departments of the Judiciary Law” means the [Departments of the Judiciary and the Legislature \(Jersey\) Law 1965](#);

“development” includes behavioural, emotional, intellectual, mental, moral, physical, spiritual, and social development;

“disability” means –

- (a) a disability that is a protected characteristic under paragraph 8 (disability) of Schedule 1 (protected characteristics) to the [Discrimination \(Jersey\) Law 2013](#); or
- (b) a “learning disability” or “mental disorder” as defined in the Mental Health Law;

“Education Law” means the [Education \(Jersey\) Law 1999](#);

“Employment of States Employees Law” means the [Employment of States of Jersey Employees \(Jersey\) Law 2005](#);

“family” includes any individual who is a parent of a child and any other individual with whom the child is living;

“health” means physical or mental health;

“Health and Social Care Commission” means the Commission of that name established under Article 35 of the [Regulation of Care \(Jersey\) Law 2014](#);

“health or development need”, in relation to a child, is construed in accordance with Article 13;

“independent reviewing officer” means the person appointed under Article 42;

“Jersey Probation and Aftercare Service” means the unit of administration, operating independently of the States, responsible for probation officers;

“looked after by the Minister” is construed in accordance with Article 1A of the Children Law;

“looked after children” means children looked after by the Minister;

“Mental Health Law” means the [Mental Health \(Jersey\) Law 2016](#);

“Minister” means the Minister for Children and Education;

“parent” has the definition given in the Children Law and includes any individual –

- (a) who has acquired parental responsibility in respect of a child by virtue of an order made by the Court under the Children Law; or
- (b) who is a child’s guardian appointed under Article 7 of that Law;

“prescribed” means prescribed by Order of the Minister;

“probation officer” means a *délégué* as defined in the [Loi \(1937\) sur l’atténuation des peines et sur la mise en liberté surveillée](#);

“publish” means publish online or in any other manner appearing to the person publishing to be likely to bring the matter published to the attention of those whom it concerns;

“related services” means any services or support which are not exclusively provided to, or for the benefit of, children or young people but which nonetheless are capable of having a significant effect on the wellbeing of children or young people;

“relevant provider” means a provider of services for children or young people or a provider of related services;

“responsible Ministers” means the Minister, Minister for Health and Social Services, Minister for Home Affairs and Minister for Housing and Communities;

“safeguarding partners” means the people listed in Article 5(1);

“services for children or young people” means any service or support which is provided exclusively or mainly to, or for the benefit of, children or young people which, in the case of children, means all children regardless of whether or not they –

- (a) are looked after by the Minister; or
- (b) have needs of a particular type, such as a disability-related need, or a need for additional support in learning;

“States” means the States of Jersey constituted under Article 2 of the [States of Jersey Law 2005](#);

“States’ employee” is construed in accordance with Article 2 of the Employment of States Employees Law;

“strategic plan” is construed in accordance with Article 7 and includes a revised strategic plan prepared and published under Article 7(4);

“targeted intervention” is a service which –

- (a) is provided by a relevant provider;
- (b) is directed, in so far as is reasonably practicable, at meeting the needs of children or young people whose needs are not capable of being met, or met fully, by the services which are provided generally to children or young people by a relevant provider; and

- (c) includes services provided by a third party under arrangements made by that relevant provider;
- “wellbeing assessment” is an assessment of a child or care leaver for the purposes of Article 3(1);
- “wellbeing indicators” means the indicators listed in Article 3(2);
- “wellbeing need”, in relation to a child or young person, means that the child’s or young person’s wellbeing is, or is at risk of being, adversely affected by any matter;
- “wellbeing plan” means the plan referred to in Part 5 prepared in respect of a child under that Part or, the plan referred to in Part 7 prepared in respect of a looked after child or care leaver under that Part;
- “young people” means individuals who are aged 18 up to (but not including) the age of 25 and who –
- (a) are care leavers; or
 - (b) have a disability.
- (2) The Minister may, by Order, provide for the making of exceptions from sub-paragraph (a) of the definition “care leaver”.
 - (3) Any reference in this Law to a report being presented to the States means that the report is presented in accordance with such procedures as may be provided by the standing orders of the States of Jersey.
 - (4) The Minister may by Order amend the definitions or other provisions in this Article.

2 Overriding objective of Law

- (1) The overriding objective of this Law is to promote and support the wellbeing, and safeguard the welfare, of children and young people.
- (2) In discharging functions under this Law the persons set out in paragraph (3) must –
 - (a) have regard to the overriding objective;
 - (b) take all appropriate measures to ensure that children and young people are protected against all forms of unlawful discrimination;
 - (c) have the best interests of children and young people as a primary consideration;
 - (d) have regard to the views of children and young people on all matters affecting them, with due allowance being made for age and maturity; and
 - (e) promote the health and development of children and young people.
- (3) The duties in paragraph (2) apply to –
 - (a) the responsible Ministers and all the other corporate parents;
 - (b) safeguarding partners; and
 - (c) relevant providers.
- (4) The Minister may publish guidance in connection with the discharge of the duties under paragraph (2), or where Regulations are made for the purposes set out in paragraph (6).

- (5) Before publishing guidance, or revised guidance, the Minister must consult the Commissioner.
- (6) Where functions in respect of children or young people are conferred on persons under other enactments, the States may, by Regulations, amend any of those enactments for the purposes of –
 - (a) applying the terms of the overriding objective and the requirement to have regard to it, to the discharge of those functions by those persons under that enactment; or
 - (b) conferring all or any of the duties listed in paragraph (2)(b) to (e) on those persons when discharging their functions under that enactment.
- (7) Nothing in this Law affects the operation of, or derogates from, the provisions of any other enactment concerning the determination of a status in respect of, or claim to, any entitlement, service, provision or benefit of any nature.

PART 2

ARRANGEMENTS TO PROMOTE AND SUPPORT WELLBEING AND SAFEGUARD WELFARE OF CHILDREN AND YOUNG PEOPLE

3 Wellbeing assessment and indicators

- (1) This Article applies where a person is to assess whether the wellbeing of a child or care leaver is being or would be –
 - (a) promoted;
 - (b) safeguarded;
 - (c) supported; or
 - (d) affected.
- (2) The person is to assess the wellbeing of the child or care leaver by reference to the extent to which the child or care leaver is or, as the case may be, would be –
 - (a) safe;
 - (b) healthy;
 - (c) achieving;
 - (d) nurtured;
 - (e) active;
 - (f) respected;
 - (g) responsible; and
 - (h) included.
- (3) An assessment of a child or care leaver for the purposes of paragraph (1) is referred to in this Law as a wellbeing assessment.
- (4) The Minister must publish guidance –
 - (a) on how the wellbeing indicators, are to be used when carrying out a wellbeing assessment; and

- (b) on the material (in addition to that mentioned in paragraph (5)) or other information which may be relevant for the purposes of a wellbeing assessment.
- (5) A probation officer's assessment of a child or care leaver carried out in connection with a parish hall inquiry into an allegation that an offence has been committed by that child or care leaver is relevant material to be taken into account for the purposes of a wellbeing assessment.
- (6) A person carrying out a wellbeing assessment must have regard to the guidance published under paragraph (4).
- (7) Before publishing guidance or revised guidance, the Minister must consult –
 - (a) relevant providers;
 - (b) the Commissioner;
 - (c) the Health and Social Care Commission; and
 - (d) such other persons as the Minister considers appropriate.
- (8) Subject to paragraph (9), the States may by Regulations modify the wellbeing indicators.
- (9) Before lodging Regulations under paragraph (8), the Minister must publish proposals to modify the wellbeing indicators and take account of any representations received in respect those proposals.

4 Co-operation to promote wellbeing

- (1) The responsible Ministers must make such arrangements as they consider appropriate to promote co-operation between themselves and relevant providers.
- (2) The arrangements must be made with a view to promoting the wellbeing of children and young people by reference to the wellbeing indicators.
- (3) In making arrangements under this Article, the responsible Ministers must have regard to the importance of parents and other people caring for children or young people in promoting their wellbeing.
- (4) Arrangements under this Article must include arrangements as to the disclosure of information between the responsible Ministers and relevant providers, provided that any disclosure under those arrangements –
 - (a) relates to information obtained in the course of discharging functions in relation to children or young people whether under any enactment conferring functions in relation to children or young people, or otherwise; and
 - (b) is ancillary to the discharge of functions mentioned in subparagraph (a), or for the purposes of securing co-operation with a view to promoting the wellbeing of children and young people.
- (5) Arrangements as to the disclosure of information in paragraph (4) must not require the disclosure of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, or prevent any such disclosure if that claim is waived.
- (6) For the avoidance of doubt, paragraph (4)(a) and (b) does not derogate from the requirements of the Data Protection Law.

- (7) Relevant providers and responsible Ministers must have regard to any guidance published by the responsible Ministers for the purposes of promoting co-operation amongst themselves, and promoting the wellbeing of children and young people.
- (8) Before publishing guidance or revised guidance, the responsible Ministers must consult the Commissioner and such other persons as the responsible Ministers consider appropriate.
- (9) Guidance includes any guidance or code of practice on data protection endorsed by the Data Protection Authority in the discharge of its functions under Article 11(1)(d) or (j) of the Data Protection Authority Law.

5 Arrangements to safeguard the welfare of children and young people

- (1) The following people are safeguarding partners –
 - (a) the Chief Executive Officer within the meaning of Article 3 of the Employment of States Employees Law;
 - (b) the chief officers of the administrations of the States for which the responsible Ministers (apart from the Minister for Housing and Communities) are each respectively assigned responsibility; and
 - (c) the Chief Officer of the States of Jersey Police Force.
- (2) Safeguarding partners must, after consulting such persons as they consider appropriate, make such arrangements as are reasonably practicable to enable safeguarding partners and relevant providers –
 - (a) to discharge their functions having regard to the need to safeguard the welfare of children or young people; and
 - (b) to work together effectively when they are discharging functions for the purposes of safeguarding the welfare of children or young people.
- (3) Safeguarding partners must ensure that the arrangements under paragraph (2) include –
 - (a) arrangements to identify and respond to children or young people whose welfare appears to need safeguarding;
 - (b) arrangements for planning, reviewing and improving arrangements to safeguard the welfare of children or young people;
 - (c) arrangements for procuring professional advice on safeguarding the welfare of children or young people;
 - (d) arrangements for reviewing and learning from serious child safeguarding cases;
 - (e) arrangements as to the disclosure of information between safeguarding partners and relevant providers; and
 - (f) arrangements for scrutiny by an independent person of the effectiveness of the arrangements (other than the scrutiny of arrangements referred to in this sub-paragraph).
- (4) Arrangements under paragraph (3)(e) must not –
 - (a) permit the disclosure of information that –

- (i) relates to information obtained in the course of discharging functions which are for the purpose of safeguarding the welfare and promoting the wellbeing of children or young people, or
 - (ii) is ancillary to the discharge of functions mentioned in clause (i) or for the purposes of working together as mentioned in paragraph (2)(b); or
- (b) require the disclosure of information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, or prevent any such disclosure if that claim is waived.
- (5) For the avoidance of doubt, paragraph (4)(a) does not derogate from the requirements of the Data Protection Law.
- (6) Safeguarding partners and relevant providers must act in accordance with the arrangements made under paragraph (2) and have regard to any guidance published by the Minister for the purposes of this Article.
- (7) Guidance under this Article may include –
 - (a) guidance as to good practice in the discharge of safeguarding functions under Part 4 (care and supervision) and Part 5 (protection of children) of the Children Law; and
 - (b) any guidance or code of practice on data protection endorsed by the Data Protection Authority in the discharge of its functions under Article 11(1)(d) or (j) of the Data Protection Authority Law.
- (8) Before publishing guidance or revised guidance, the Minister must consult the Commissioner and such other persons as the Minister considers appropriate.
- (9) Safeguarding partners must publish the arrangements made under paragraph (2) not later than 6 months after they are made.
- (10) At least once in every 12 month period safeguarding partners must collectively prepare a report on –
 - (a) what they and relevant providers have done as a result of the arrangements; and
 - (b) how effective the arrangements have been in practice.
- (11) A report prepared under paragraph (10) must be reviewed by an independent person mentioned in paragraph (3)(f).
- (12) The responsible Ministers must take into account the review by independent person under paragraph (11), before publishing and presenting the report to the States not later than 6 months after the end of the 12 month period to which the report relates.
- (13) In this Article –
 - “functions” means any functions discharged in respect of children or young people by safeguarding partners and relevant providers;
 - “serious child safeguarding cases” means cases in which –
 - (a) abuse or neglect of a child is known or suspected by a safeguarding partner or relevant provider; and
 - (b) the child has died or been seriously harmed;

“serious harm” includes serious or long-term impairment of mental health or intellectual, emotional, social or behavioural development.

6 Review of child deaths

- (1) Safeguarding partners must make arrangements for the review of each death of a child normally resident in Jersey.
- (2) Safeguarding partners may also, if they consider it appropriate, make arrangements for the review of the death of a child not normally resident in Jersey at the time of death.
- (3) Safeguarding partners must make arrangements for the analysis of information about deaths reviewed under this Article.
- (4) The purposes of a review or analysis under this Article are –
 - (a) to identify any matters relating to the death of a child that are relevant to the welfare of children or to public health and safety; and
 - (b) to consider whether it would be appropriate for anyone to take action in relation to any matters identified.
- (5) Where safeguarding partners consider that it would be appropriate for a person to take action as mentioned in paragraph (4)(b), they must inform that person.
- (6) Safeguarding partners must, at such intervals as they consider appropriate, prepare and publish a report on –
 - (a) what they have done as a result of the arrangements under this Article; and
 - (b) how effective the arrangements have been in practice.
- (7) Safeguarding partners may, for the purpose of enabling or assisting the performance of functions under this Article, request a person to provide the information specified in the request.
- (8) Safeguarding partners must not use information, received in response to a request, for any purpose other than for the purpose mentioned in paragraph (7).
- (9) For the avoidance of doubt, a person who provides information in response to a request under paragraph (7) is not required to disclose or produce any information or documents which the person would, in an action before the Court, be entitled to refuse to disclose on grounds of legal professional privilege.
- (10) Safeguarding partners must have regard to any guidance issued by the Minister in connection with their functions under this Article.

PART 3

STRATEGIC PLAN IN RESPECT OF CHILDREN AND YOUNG PEOPLE

7 Requirement to prepare strategic plan in respect of children and young people

- (1) In each 4 year period, the responsible Ministers must prepare and publish a strategic plan in respect of children and young people (“strategic plan”).
- (2) The strategic plan must set out the responsible Ministers’ strategic plans for the provision, over the 4 year period, of services for children and young people with a view to securing the achievement of the aims set out in Article 8.
- (3) The strategic plan must be developed in consultation with such persons as the responsible Ministers consider appropriate, which must include children, young people and parents.
- (4) The responsible Ministers must keep the strategic plan under review and may in consequence prepare and publish a revised strategic plan.
- (5) In this Article and in Article 10, “4 year period” means –
 - (a) the period of 4 years beginning with 1st January of the year following the commencement of this Law; and
 - (b) each subsequent period of 4 years.

8 Aims of strategic plan

- (1) The aims of the strategic plan are –
 - (a) that services for children and young people are provided in a way which –
 - (i) safeguards, supports and promotes their wellbeing,
 - (ii) ensures that any action to meet their wellbeing needs is taken at the earliest appropriate time and that, where appropriate, action is taken to prevent wellbeing needs from arising,
 - (iii) is integrated from the point of view of recipients, and
 - (iv) constitutes the best use of available resources; and
 - (b) that related services are provided in a way which, so far as is consistent with the objects and proper delivery of the service concerned, safeguards, supports and promotes the wellbeing of children and young people.
- (2) In paragraph (1)(a)(iii), services are integrated from the point of view of recipients if the providers of services for children and young people co-operate with each other to ensure services are planned and delivered in a co-ordinated way which best meets the needs of the recipient children and young people and their parents.

9 Implementation of strategic plan

During the period to which a strategic plan relates, the responsible Ministers and relevant providers must, so far as is reasonably practicable, co-operate with each other to provide services for children or young people in accordance with that plan.

10 Reporting on strategic plan

As soon as practicable after the end of the 4 year period (as defined in Article 7(5)) to which the strategic plan relates, the responsible Ministers must –

- (a) publish a report on the extent to which the strategic plan has achieved the aims set out in Article 8; and
- (b) present that report to the States.

11 Guidance in relation to planning the delivery of services for children and young people

- (1) Relevant providers must have regard to any guidance published by the responsible Ministers in connection with the delivery of services for children or young people set out in the strategic plan.
- (2) Before publishing guidance or revised guidance, the responsible Ministers must consult –
 - (a) relevant providers;
 - (b) the Commissioner; and
 - (c) such other persons as the responsible Ministers consider appropriate.

12 Requirement to publish information about the provision of services

The responsible Ministers and relevant providers must, at the beginning of each year, publish details of the services they may provide to children, young people and their families.

PART 4

PROVISION OF SERVICES FOR CHILDREN WITH HEALTH OR DEVELOPMENT NEEDS

13 Children with a health or development need

- (1) This Part applies to a child with a health or development need and who is not looked after by the Minister (see Part 7 as to the Minister's duties in relation to looked after children).
- (2) A child has a health or development need if –
 - (a) any of the matters in paragraph (4) apply to the child; or

- (b) the child is an in-patient at a hospital or an approved establishment for the purpose of receiving treatment in respect of the child's mental health.
- (3) If a child has a health or development need, the Minister must cause a wellbeing assessment to be made of that child's health or development.
- (4) The matters referred to in paragraph (2)(a) are –
 - (a) the child is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable level of health or development without the provision of services by the Minister under this Part;
 - (b) the child's health or development is likely to be significantly impaired, or further impaired, without the provision to that child of those services; or
 - (c) where applicable, the child's disability or the disability of any other person living with the child is adversely affecting the child's health or development.
- (5) In paragraph (2)(b), "approved establishment" has the definition given in the Mental Health Law.

14 Requirement to provide services for children with a health or development need

- (1) For the purposes of fulfilling the duty in Article 2(2)(e), it is the Minister's general duty to provide, in so far as is reasonably practicable, a range and level of services appropriate to meet the health or development needs of children under this Part who are assessed under Article 13 as having a health or development need.
- (2) So far as is consistent with that duty, the Minister must promote the upbringing of such children by their families.
- (3) Any service provided by the Minister in the discharge of functions conferred under this Article may be provided for the family of that child or for any member of that child's family.
- (4) Before determining what, if any, services to provide for a child whose wellbeing assessment under Article 13 confirms that the child has a health or development need, the Minister must, so far as is reasonably practicable and consistent with the child's welfare –
 - (a) ascertain the child's wishes and feelings regarding the provision of those services; and
 - (b) give due consideration (having regard to the child's age and maturity) to any of the child's ascertainable wishes and feelings.
- (5) The Minister may make arrangements with relevant providers to provide services, on the Minister's behalf, to children who have a health or development need.
- (6) The provision of services may include giving assistance in kind or in cash ("assistance").
- (7) Assistance may be unconditional or subject to conditions as to the repayment of the assistance or of its value (in whole or in part), but no

individual is liable to make any repayment of assistance or of its value at any time when that individual is in receipt of income support under the [Income Support \(Jersey\) Law 2007](#).

- (8) Before giving any assistance or imposing any conditions, the Minister must have regard to –
- (a) the means of the child concerned and of each of the child's parents; and
 - (b) whether the giving of assistance would avoid the Minister being caused greater expense in the giving of assistance in another form, or where probable aggravation of the child's, the child's family's need, would cause greater expense to the Minister on a later occasion.

15 Services provided to children affected by disability

- (1) Services provided under Article 14 to a disabled child, or to a child whose health or development is adversely affected by the disability of any other individual in the child's family, must be designed –
- (a) to minimise the effect –
 - (i) on any disabled child, of his or her disability, and
 - (ii) on any child who is adversely affected by the disability of any other individual in the child's family, of that other individual's disability;
 - (b) to give the children mentioned in sub-paragraph (a) the opportunity to lead lives which are as normal as possible; and
 - (c) to assist individuals who provide care for such children to continue to do so, or to do so more effectively, by giving them breaks from caring.
- (2) The States may by Regulations make provision for the purposes of paragraph (1)(c) in respect of the design of services to facilitate breaks for carers of disabled children.

PART 5

WELLBEING ASSESSMENT AND PLAN

16 Application of Part

This Part does not apply to looked after children (see Part 7 as to the Minister's duties in relation to looked after children).

17 Wellbeing assessment and plan for child with a wellbeing need

- (1) If it appears to any of the persons listed in paragraph (3) that a child has a wellbeing need, the person in question may request the relevant provider that is best known to the child to carry out a wellbeing assessment of the child.

- (2) A wellbeing assessment request under paragraph (1) may be refused if the relevant provider concerned can show good reason not to make the wellbeing assessment.
- (3) The following persons may request a wellbeing assessment –
 - (a) the child concerned;
 - (b) the child's parents;
 - (c) any other relevant provider known to the child.
- (4) A child is entitled to a wellbeing plan if –
 - (a) the wellbeing assessment confirms that the child has a wellbeing need;
 - (b) paragraph (5) applies; and
 - (c) the child's parent and a relevant provider that is known to the child agree that a wellbeing plan is required to facilitate the provision of targeted intervention to address that child's wellbeing need.
- (5) This paragraph applies if –
 - (a) the wellbeing need is not capable of being met, or fully met, by the taking of action other than targeted intervention in relation to the child; and
 - (b) the wellbeing need, or the remainder of the need, is capable of being met, or met to some extent, by one or more targeted interventions in relation to the child.

18 Wellbeing plan for child with a health or development need

A child is entitled to a wellbeing plan if –

- (a) a wellbeing assessment of that child under Article 13(3) establishes that the child has a health or development need; and
- (b) the child's parents and the Minister agree that a wellbeing plan is required to facilitate the provision of targeted intervention to address and improve that child's health or development.

19 Content of wellbeing plan

- (1) A wellbeing plan must state –
 - (a) the child's assessed –
 - (i) wellbeing need, or
 - (ii) health or development need;
 - (b) in relation to a child with a disability who has reached the age of 14, that child's assessed projected long-term wellbeing, health or development needs from the age of 18 up to (but not including) the age of 25;
 - (c) the targeted intervention which is required to be provided in relation to the child; and
 - (d) in relation to each targeted intervention –

- (i) the relevant provider that is to provide the targeted intervention,
 - (ii) the manner in which the targeted intervention is to be provided, and
 - (iii) the outcome in relation to the child's assessed wellbeing, health or development need which the targeted intervention is intended to achieve.
- (2) Before including targeted intervention in a wellbeing plan, the appointed person must obtain the agreement of the relevant provider that would provide the targeted intervention, or under whose arrangements the intervention would be provided.

20 Preparation of wellbeing plan

- (1) Where a child requires a wellbeing plan the relevant provider, or the Minister, as the case may be, must appoint a person ("appointed person") to prepare the plan as soon as is reasonably practicable.
- (2) The appointed person is responsible for managing and co-ordinating the wellbeing plan.
- (3) In preparing the wellbeing plan the appointed person must consult and, in so far as is reasonably practicable, ascertain and have regard to the views of –
 - (a) the child;
 - (b) the child's parents; and
 - (c) such other persons as the appointed person considers appropriate.
- (4) In having regard to the views of the child, the appointed person must take account of the child's age and maturity.

21 Delivery of wellbeing plan

A relevant provider must, so far as is reasonably practicable and as long as the relevant provider considers that it would not adversely affect the wellbeing, health or development of the child –

- (a) provide, in accordance with the wellbeing plan, any targeted intervention contained in that plan; and
- (b) ensure that any targeted intervention which is to be provided by a third person, under arrangements made by the provider, is provided in accordance with the plan.

22 Review of wellbeing plan

- (1) The appointed person in respect of a wellbeing plan is to keep under review whether –
 - (a) the assessed wellbeing, health or development need of the child set out in the plan is still accurate;
 - (b) each targeted intervention or the manner of its provision is still appropriate;

- (c) the outcome of the plan has been achieved; and
 - (d) the management of the plan should transfer to another appointed person.
- (2) In reviewing a wellbeing plan, the appointed person –
- (a) must consult each relevant provider to which paragraph (3) applies; and
 - (b) must, so far as is reasonably practicable, ascertain and have regard to the views of –
 - (i) the child, taking into account the child’s age and maturity,
 - (ii) the child’s parents, and
 - (iii) such other persons as the appointed person considers appropriate.
- (3) This paragraph applies to a relevant provider if –
- (a) that provider is providing the targeted intervention contained in the wellbeing plan; or
 - (b) the targeted intervention contained in the wellbeing plan is being provided by a third person under arrangements made by the provider.
- (4) The appointed person may in consequence of the review –
- (a) amend the wellbeing plan to revise –
 - (i) the wellbeing, development or health need of the child,
 - (ii) with the relevant provider’s agreement, the targeted intervention,
 - (iii) the manner in which the targeted intervention is required to be provided, or
 - (iv) the outcome which the plan is intended to achieve;
 - (b) transfer the management of the wellbeing plan to another appointed person; or
 - (c) end the wellbeing plan.

23 Guidance on wellbeing plans

- (1) In relation to wellbeing plans under this Part, the Minister must publish guidance as to –
- (a) information to be contained in the plan;
 - (b) the form and preparation of the plan;
 - (c) the management of the plan, including –
 - (i) when and how the plan is to be reviewed in accordance with Article 22(1),
 - (ii) who is to be the appointed person in respect of the plan,
 - (iii) when and to whom management of the plan is to or may transfer under Article 22(4)(b),
 - (iv) when and how any new targeted intervention may be included in the plan,

- (v) the keeping, disclosure and destruction of plans.
- (2) A relevant provider and appointed person must have regard to the guidance published under this Article.
- (3) Before publishing guidance or revised guidance, the Minister must consult –
 - (a) relevant providers;
 - (b) the Commissioner; and
 - (c) such other persons as the Minister considers appropriate.

PART 6

CORPORATE PARENTING

24 Application of Part

This Part applies to individuals who are –

- (a) looked after children;
- (b) care leavers; and
- (c) young people of such description as the Minister may by Order specify.

25 Corporate parents

- (1) The persons listed, or described, in the table in the Schedule are corporate parents.
- (2) Subject to paragraph (3), the Minister may, by Order, amend the Schedule –
 - (a) after consulting any corporate parent the Minister proposes to remove from the table in the Schedule, or any person the Minister proposes to make a corporate parent and add to the table in the Schedule; or
 - (b) where a corporate parent listed in column 3 of the table changes their name.
- (3) No Order under this Article may be made –
 - (a) without a corporate parent's or proposed corporate parent's consent; or
 - (b) for the purposes of adding to the table in the Schedule a Department or officer referred to in Article 1, or a principal officer referred to in Article 2, of the Departments of the Judiciary Law.
- (4) Where paragraph (2)(b) applies, the corporate parent must notify the Minister of the name-change not less than 6 weeks before the change is to take effect.

26 Corporate parenting responsibilities

- (1) In respect of the individuals to whom this Part applies, it is the general duty of every corporate parent, in so far as is consistent with the proper discharge of that corporate parent's other functions –
 - (a) to be alert to matters which, or which might, adversely affect the wellbeing of those individuals;
 - (b) to assess the needs of those individuals for the services and support the corporate parent provides;
 - (c) to promote the interests of those individuals;
 - (d) to seek to provide those individuals with opportunities to participate in activities designed to promote their wellbeing;
 - (e) to take such action as the corporate parent considers appropriate to help those individuals –
 - (i) to access the opportunities provided under sub-paragraph (d), and
 - (ii) to make use of services and access the support that is offered under Article 29; and
 - (f) to take such other action as the corporate parent considers appropriate for the purposes of improving the way in which the corporate parent discharges its functions in relation to those individuals.
- (2) The States may by Regulations –
 - (a) amend paragraph (1) to confer, remove or vary a duty on corporate parents; or
 - (b) provide that paragraph (1) is to be read, in relation to a particular corporate parent or corporate parents of a particular description, with a modification conferring, removing or varying a duty.

27 Planning by corporate parents

- (1) A corporate parent must –
 - (a) prepare a plan for how it proposes to discharge its corporate parenting responsibilities; and
 - (b) keep the plan under review.
- (2) Before preparing or revising a plan, a corporate parent must consult such other corporate parents, and such other persons, as it considers appropriate.
- (3) A corporate parent must publish its plan and any revised plan and, in particular, plans may be published either separately, or as part of, any other plan or document.

28 Collaborative working among corporate parents

- (1) Corporate parents must, in so far as is reasonably practicable, collaborate with each other when exercising their corporate parenting responsibilities or any other functions under this Part where they consider that doing so

would safeguard the welfare or promote the wellbeing of the individuals to whom this Part applies.

- (2) Such collaboration may include –
 - (a) subject to paragraphs (3) and (4), sharing information;
 - (b) providing advice or assistance;
 - (c) co-ordinating activities (and seeking to prevent unnecessary duplication);
 - (d) sharing responsibility for action;
 - (e) funding activities jointly;
 - (f) discharging functions under this Part jointly (for example, by publishing a joint plan or joint report).
- (3) Corporate parents must not share information in relation to particular individuals to whom this Part applies unless the information –
 - (a) it is obtained in the course of discharging functions in relation to those particular individuals whether under any enactment conferring functions in relation to looked after children, care leavers or young people, or otherwise;
 - (b) it is ancillary to the discharge of functions mentioned in subparagraph (a), or for the purposes of promoting collaboration in accordance with paragraph (1); and
 - (c) it does not relate to any information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, unless such a claim is waived.
- (4) Corporate parents must have regard to any guidance or code of practice published by the Minister on information sharing and data protection, and endorsed by the Data Protection Authority in the discharge of its functions under Article 11(1)(d) or (j) of the Data Protection Authority Law.
- (5) For the avoidance of doubt, paragraph (3) does not derogate from the requirements of the Data Protection Law.

29 Services offered by corporate parents

- (1) A corporate parent must publish information about the services it offers (if any), including any services that may assist care leavers in, or in preparing for, adulthood and independent living.
- (2) For the purposes of paragraph (1), services offered include services relating to –
 - (a) health and wellbeing;
 - (b) education and training;
 - (c) finance and employment;
 - (d) accommodation and housing;
 - (e) relationships and participation in society.
- (3) In relation to the published information referred to in paragraph (1), a corporate parent must –

- (a) periodically update the information and, in any event, review it not less than every 4 years; and
 - (b) before publishing the information (or any updated version of it), consult with the corporate parenting board and any other person the corporate parent considers appropriate, including looked after children and care leavers.
- (4) In this Article, “services” includes advice, guidance or assistance which may be in kind.

30 Reports by corporate parents

- (1) A corporate parent must, not less than every 4 years, publish a report on how it has discharged –
- (a) its corporate parenting responsibilities;
 - (b) its planning and collaborating functions under Articles 27 and 28; and
 - (c) its other functions under this Part.
- (2) Reports may, in particular, include information about –
- (a) standards of performance; and
 - (b) the outcomes achieved under this Part.
- (3) Reports must be published and, in particular, reports may be published either separately, or as part of, any other report or document.

31 Corporate parenting board

- (1) There is established a corporate parenting board (the “board”) whose principal function is to monitor and review the discharge of corporate parenting responsibilities and other functions of corporate parents under this Part.
- (2) The board may discharge such other functions as appear to it to be calculated to facilitate, or are incidental or conducive to the discharge of, its principal function and other functions conferred under this Part.
- (3) The board is to be composed of –
- (a) the responsible Ministers;
 - (b) a member of the Comité des Connétables nominated by the Comité;
 - (c) subject to Article 32 –
 - (i) 2 children representing looked after children,
 - (ii) 2 young people representing care leavers or young people specified under Article 24(1)(c), and
 - (iii) 2 people each representing a different voluntary body.
- (4) The board may meet for the conduct of business, adjourn and otherwise regulate its meetings as it thinks fit, but subject to the following –
- (a) the board must meet at least 4 times a year;

- (b) the Minister must chair the board's meetings, but if the Minister is not present at a meeting, those present must nominate another responsible Minister to chair that meeting;
 - (c) a quorum must be formed by the attendance of at least 3 members of the board who are also members of the States;
 - (d) the board may invite the attendance of any person at any meeting of the board, as the board determines.
- (5) For the purposes of paragraph (4), the board may meet remotely by any means of technology and includes the attendance remotely of any person invited under paragraph (4)(d).
- (6) The Council of Ministers must support the board in the provision of such administrative resources, advice and other support as the board requires to enable it to discharge its functions properly and effectively.
- (7) The board must publish –
- (a) its terms of reference;
 - (b) the names of its members, apart from the members referred to in paragraph (3)(c)(i) and (ii);
 - (c) in the case of the members representing voluntary bodies, details of the voluntary bodies each member represents; and
 - (d) its agendas and minutes.
- (8) The board must publish any revisions or changes to the items referred to in paragraph (6)(a) to (c) as soon as possible after those revisions or changes have occurred.
- (9) The board must, not later than 6 months after the beginning of every year, publish a report setting out how it has discharged its functions in the previous year.
- (10) The States may by Regulations amend this Article and Articles 32 to 34 for the purpose of making further provision about the board and its functions.

32 Appointment of representatives to the corporate parenting board

The responsible Ministers must determine and publish –

- (a) the criteria and process for appointment to the corporate parenting board of the people referred to in Article 31(3)(c); and
- (b) the terms and conditions, including length of appointment, applying in respect of an appointment.

33 Duty to provide information to the corporate parenting board

- (1) A corporate parent must provide the corporate parenting board with such information as the board may reasonably require, either on request or at agreed intervals, about how the corporate parent is –
- (a) exercising its corporate parenting responsibilities;
 - (b) planning, collaborating and reporting under Articles 27, 28 and 30;
- or

- (c) otherwise discharging functions under this Part, provided that information does not relate to any information in respect of which a claim to legal professional privilege could be maintained in legal proceedings, unless such a claim is waived.
- (2) Information which is required may, in particular, include information about –
 - (a) standards of performance; and
 - (b) the outcomes achieved under this Part.

34 Guidance on corporate parenting

- (1) The corporate parenting board must issue guidance to corporate parents about their corporate parenting functions and corporate parents must have regard to that guidance.
- (2) Guidance may, in particular, include advice or information about –
 - (a) how corporate parents are expected to –
 - (i) promote awareness of their corporate parenting responsibilities,
 - (ii) plan, review, collaborate and report under Articles 27, 28 and 30, and
 - (iii) otherwise discharge functions under this Part; and
 - (b) outcomes which corporate parents should seek to achieve in discharging functions under this Part.
- (3) Before issuing or revising guidance, the corporate parenting board must consult –
 - (a) corporate parents;
 - (b) the Commissioner; and
 - (c) such other persons as the board considers appropriate.

PART 7

SUPPORT FOR LOOKED AFTER CHILDREN AND CARE LEAVERS

35 Application, interpretation and general provisions as to guidance and Regulations

- (1) This Part applies to looked after children and care leavers.
- (2) In this Part –
 - “assessed wellbeing needs” in respect of a child or care leaver, means that child’s or care leaver’s wellbeing needs as assessed by a wellbeing assessment carried out under this Part;
 - “eligible care leaver” is construed in accordance with Article 40;
 - “guidance” means any guidance, including revised guidance, issued by the Minister under this Part;
 - “staying put arrangement” is construed in accordance with Article 40;

- “wellbeing needs” includes health or development needs;
- “wellbeing plan” means the wellbeing plan prepared under Article 36.
- (3) Before the Minister publishes guidance the Minister must first consult –
 - (a) the persons referred to in paragraph (4);
 - (b) the corporate parenting board;
 - (c) looked after children and care leavers;
 - (d) the Commissioner;
 - (e) the Health and Social Care Commission; and
 - (f) such other persons as the Minister considers appropriate.
 - (4) Except where expressly provided otherwise, the following persons must have regard to guidance in so far as it is relevant to the discharge of that person’s functions in relation to looked after children or care leavers under this Part –
 - (a) children and young people services;
 - (b) relevant providers; and
 - (c) persons providing services for or on behalf of relevant providers or the Minister.
 - (5) Guidance must contain advice as to when it may not be appropriate to follow the guidance and may include guidance on exceptions or variations which may be applied in particular cases if it is in the best interests of the looked after child or care leaver to do so.
 - (6) The States may, if the States consider it necessary or expedient to do so, by Regulations amend this Part for the purposes of making further provision in respect of the discharge of functions under this Part.

36 Wellbeing assessment, plan and review

- (1) For the purposes of fulfilling the duty in Article 2(2)(e), the Minister must cause a wellbeing assessment to be carried out in respect of each looked after child and care leaver with a view to determining –
 - (a) the wellbeing needs (if any) of that individual; and
 - (b) the targeted intervention (if any) that would be appropriate for the Minister to provide to meet the individual’s assessed wellbeing needs.
- (2) A wellbeing assessment must be carried out as soon as is reasonably practicable –
 - (a) after a child becomes looked after by the Minister;
 - (b) in respect of a child who is looked after by the Minister on, or before, the commencement of this Law, after the commencement of this Law; or
 - (c) after an individual is identified as a care leaver.
- (3) If the wellbeing assessment confirms that the looked after child or care leaver has a wellbeing need the Minister must, as soon as possible, cause a wellbeing plan to be prepared in respect of that looked after child or care leaver.

- (4) Subject to any guidance issued under Article 37, in preparing the wellbeing plan the Minister must consult and, in so far as is reasonably practicable, ascertain and have regard to the views of the child or care leaver.
- (5) In having regard to the views of any child, the Minister must take account of the child's age and maturity.
- (6) A wellbeing plan must –
 - (a) contain a statement addressing each of the wellbeing indicators set out in Article 3(2);
 - (b) contain a statement of –
 - (i) assessed wellbeing needs,
 - (ii) any targeted intervention required to meet those needs, and
 - (iii) the staying put arrangement or, in respect of an eligible care leaver falling under Article 40(6), any alternative arrangement; and
 - (c) if targeted intervention is required –
 - (i) identify the relevant provider that has given their agreement, subject to paragraph (7), to provide the targeted intervention,
 - (ii) state the manner in which the targeted intervention is to be provided,
 - (iii) state the outcome the targeted intervention is intended to achieve, and
 - (iv) set and review timescales to assess progress towards achieving the intended outcome.
- (7) The relevant provider must, so far as is reasonably practicable and as long as the relevant provider considers that it would not adversely affect the wellbeing, health or development of the looked after child or care leaver –
 - (a) provide the targeted intervention contained in the statement mentioned in paragraph (6)(b)(ii); and
 - (b) ensure that any targeted intervention which is to be provided by a third person, under arrangements made by the provider, is provided in accordance with the plan.
- (8) In the case of a looked after child aged 14 or over, the wellbeing plan must include details of the preparations for the child ceasing to be looked after, including for any staying put arrangement.
- (9) The wellbeing plan may contain such other matters as the guidance provides under Article 37.
- (10) The Minister must –
 - (a) cause the wellbeing plan to be reviewed at regular intervals and, subject to sub-paragraph (b), revised if necessary; and
 - (b) if it is reasonably practicable, ensure that no significant change is made to the wellbeing plan until any proposed change has first been considered at a review.

37 Guidance in respect of functions under Article 36

- (1) The Minister must issue guidance in relation to wellbeing assessments which may include –
 - (a) guidance about the management, form and process of, and arrangements for, the assessment of the current and future wellbeing needs of looked after children and care leavers;
 - (b) guidance about evaluating and recording the findings of wellbeing assessments; and
 - (c) guidance on any other matter the Minister considers necessary.
- (2) The Minister must issue guidance in relation to wellbeing plans which may include –
 - (a) guidance about the management and form of, and process and arrangements in respect of, the wellbeing plan;
 - (b) guidance as to the content of the plan including the following matters as to the looked after child's or care leaver's –
 - (i) accommodation and housing,
 - (ii) health care,
 - (iii) education, training and employment,
 - (iv) social, emotional and behavioural development,
 - (v) social presentation, practical and self-care skills,
 - (vi) finances,
 - (vii) identity and belonging, and
 - (viii) relationships and family contact;
 - (c) guidance about enabling the looked after child or care leaver to participate in the development of the plan taking into account the child's or care leaver's wishes and views and the views of such other people as may be specified in the guidance;
 - (d) guidance on contingency plans for action to be taken in the event that the plan ceases to be effective for any reason;
 - (e) guidance on –
 - (i) assessing progress against the outcomes the plan is expected to achieve, and
 - (ii) reviewing and recording the plan; and
 - (f) guidance on any other matter the Minister considers necessary.

38 Provision of services for looked after children and care leavers

- (1) For the purposes of fulfilling the duties in Article 2(2)(d) and (e), it is the Minister's general duty to provide, in so far as is reasonably practicable, a range and level of services appropriate to meet the assessed wellbeing needs of –
 - (a) looked after children, taking account of their wishes and feelings, with a view to preparing such children for when they cease to be looked after; and
 - (b) care leavers taking account of their wishes and feelings.

- (2) Services provided under paragraph (1) may include –
 - (a) services that are provided to children with a health or development need or services provided generally to children by a relevant provider; and
 - (b) giving assistance in kind or in cash.
- (3) The Minister may make arrangements with relevant providers to provide services on the Minister's behalf.
- (4) The Minister may also make arrangements with other corporate parents in respect of services offered under Article 29.

39 Personal advisers

- (1) The Minister must arrange for a personal adviser to be assigned to –
 - (a) every looked after child as soon as possible after that child's 14th birthday;
 - (b) every care leaver under the age of 22; and
 - (c) any care leaver who has reached the age of 22 but is under the age of 25 and who has requested a personal adviser to remain assigned.
- (2) Where a personal adviser remains assigned under paragraph (1)(c), the care leaver may at any time request that the personal adviser ceases to remain so assigned.
- (3) A personal adviser has the following functions in relation to a looked after child or care leaver, as the case may be –
 - (a) to provide advice (including practical advice) and support;
 - (b) where applicable, to participate in the wellbeing assessment and the preparation of the wellbeing plan;
 - (c) to participate in reviews of the wellbeing plan;
 - (d) to liaise with such other persons as the wellbeing plan requires in the implementation of the plan;
 - (e) to co-ordinate the provision of services mentioned in the wellbeing plan and to take reasonable steps to enable the looked after child or care leaver to make use of those services;
 - (f) to remain informed about the looked after child's or care leaver's progress and wellbeing;
 - (g) to keep in regular contact with the looked after child or, subject to sub-paragraph (h), care leaver;
 - (h) in the case of a care leaver who is under the age of 22, to keep in contact with the care leaver, in so far as is reasonably practicable, on at least an annual basis even if the care leaver –
 - (i) no longer requires any services mentioned in the care leaver's wellbeing plan, or
 - (ii) no longer lives in Jersey; and
 - (i) to keep a written record of contacts with, and of services provided to, the looked after child or care leaver.
- (4) A personal adviser must –

- (a) perform such other functions as may be prescribed; and
- (b) have regard to any guidance issued by the Minister in relation to the personal adviser's functions under this Article.

40 Staying put arrangements

- (1) Subject to paragraphs (6) and (8), the Minister must maintain a staying put arrangement in respect of any eligible care leaver.
- (2) An eligible care leaver is an individual –
 - (a) who has attained the age of 18 but is under the age of 22; and
 - (b) who otherwise meets the definition “care leaver”.
- (3) A staying put arrangement is an arrangement whereby the Minister must, subject to the wellbeing assessment, provide an eligible care leaver with the same, or comparable, accommodation as was being provided immediately before the eligible care leaver ceased to be looked after by the Minister.
- (4) The details of the arrangement must be set out in the wellbeing plan.
- (5) The Minister must –
 - (a) monitor the staying put arrangement to ensure that it meets the eligible care leaver's wellbeing needs as determined by the wellbeing assessment; and
 - (b) provide such advice, guidance or assistance as is in accordance with the wellbeing plan, and as is necessary to support the eligible care leaver in the staying put arrangement.
- (6) The duty under paragraph (1) does not apply if –
 - (a) the accommodation the eligible care leaver was in immediately before the eligible care leaver ceased to be looked after by the Minister –
 - (i) was secure accommodation,
 - (ii) was a young offender institution or the prison,
 - (iii) was a placement as defined in the [Children \(Placement\) \(Jersey\) Regulations 2005](#), and the person with whom the care leaver was placed has indicated to the Minister that they are unable or unwilling to continue to provide the placement, or
 - (iv) was accommodation in a children's home and the registered person in respect of the children's home cannot continue to accommodate the eligible care leaver in the home because to do so would cause the registered person to fail to comply with his or her conditions of registration; or
 - (b) the wellbeing assessment determines that a staying put arrangement would not meet the eligible care leaver's wellbeing needs.
- (7) Where the duty under paragraph (1) does not apply in respect of an eligible care leaver falling under paragraph (6), the wellbeing plan must determine an alternative arrangement that would meet the eligible care leaver's wellbeing needs.
- (8) The duty under paragraph (1) ceases –

- (a) when the eligible care leaver reaches the age of 22; or
 - (b) if the eligible care leaver no longer wishes to continue with the staying put arrangement.
- (9) In this Article –
- “children’s home” has the definition given in the Children Law;
 - “conditions of registration” means any discretionary conditions of registration imposed under Article 12 of the Regulation of Care Law or any conditions imposed in accordance with Regulations made under Article 11(3) of that Law;
 - “prison” means HMP La Moye;
 - “registered person” has the definition given in the Regulation of Care Law;
 - “Regulation of Care Law” means the [Regulation of Care \(Jersey\) Law 2014](#);
 - “secure accommodation” has the definition given in the Children Law;
 - “young offender institution” has the definition given in the Young Offenders Law;
 - “Young Offenders Law” means the [Criminal Justice \(Young Offenders\) \(Jersey\) Law 2014](#).

PART 8

MISCELLANEOUS PROVISIONS IN RESPECT OF LOOKED AFTER CHILDREN

41 Minister’s duty to promote educational achievement

- (1) The Minister must promote the educational achievement of looked after children.
- (2) The Minister must appoint at least one individual for the purpose of discharging the duty under paragraph (1).
- (3) An individual appointed under this Article must –
 - (a) be a States’ employee who has such experience or qualifications in the delivery of education as may be prescribed;
 - (b) perform such functions as may be prescribed; and
 - (c) have regard to any guidance that may be issued by the Minister in relation to the discharge of any prescribed functions and the promotion of the Minister’s duty under this Article.

42 Review of looked after children’s cases and appointment of independent reviewing officers

- (1) The Minister must review the case of each looked after child in accordance with the policy published under Article 43.
- (2) The review must take place as soon as possible after the date on which the looked after child becomes looked after, and thereafter at such regular intervals as the policy must specify.

- (3) Subject to paragraphs (6) and (7), the Minister must appoint an individual as the independent reviewing officer for a looked after child's case.
- (4) The initial appointment under paragraph (3) must be made before the child's case is first reviewed.
- (5) If a vacancy arises in respect of a child's case, the Minister must make another appointment as soon as is practicable.
- (6) The independent reviewing officer must be a social worker who has sufficient relevant social work experience with children and families to perform the functions of an independent reviewing officer in an independent manner and having regard to the looked after child's best interests.
- (7) The Minister must not appoint any of the following as the independent reviewing officer –
 - (a) an individual involved in preparing the looked after child's wellbeing plan or the management of the child's case;
 - (b) the looked after child's personal adviser;
 - (c) an individual with management responsibilities in relation to an individual mentioned in sub-paragraph (a) or (b); or
 - (d) an individual with control over the resources allocated to the case.
- (8) The independent reviewing officer must in relation to each looked after child's case the officer is assigned to –
 - (a) monitor the performance of the Minister's functions under this Law and the Children Law;
 - (b) participate in case reviews;
 - (c) ensure that any ascertained wishes and feelings of the looked after child concerned are given due consideration by the Minister;
 - (d) perform any other prescribed function; and
 - (e) have regard to any guidance issued by the Minister in relation to the officer's functions under this Article.
- (9) If the independent reviewing officer considers it appropriate to do so, the looked after child's case may be referred by that officer to the chief officer for children and young people services.
- (10) In this Article "social worker" means a person registered to engage in that registrable occupation (as defined in the [Health Care \(Registration\) \(Jersey\) Law 1995](#)).

43 Minister's policy on reviewing looked after children's cases

- (1) The Minister must prepare, publish and implement a written policy regarding when and the manner in which the Minister is to review looked after children's cases under Article 42.
- (2) The Minister must provide a copy of the policy to –
 - (a) the looked after child, unless it would not be appropriate to do so having regard to the child's age and maturity;
 - (b) the looked after child's parents;
 - (c) any other person whose views the Minister considers to be relevant.

PART 9**INDEPENDENT ADVOCATES AND COMPLAINTS****44 Independent advocates**

- (1) The States may make Regulations requiring the Minister to appoint independent advocates to act in relation to, and on behalf of –
 - (a) children with a health or development need;
 - (b) looked after children;
 - (c) care leavers; and
 - (d) such other people as Regulations under paragraph (6) may specify.
- (2) Regulations under this Article may require the Minister to make reasonable arrangements –
 - (a) for the appointment of independent advocates in accordance with further provision to be made by the Regulations of the kind described in paragraph (3)(a) to (e); and
 - (b) as to the role and conduct of independent advocates, in accordance with provision to be made by the Regulations of the kind described in paragraphs (3)(f), (4) and (5).
- (3) Regulations under this Article may, in particular, make provision including provision as to –
 - (a) the qualifications required of an individual to be appointed;
 - (b) the circumstances in which an individual may act as described in paragraph (1);
 - (c) the procedure for appointment and terms and conditions of appointment;
 - (d) the circumstances in which the appointment may end or be terminated and the formalities for doing so;
 - (e) the steps to be taken to ensure that children and care leavers are aware of the availability of the services of independent advocates; and
 - (f) matters in which independent advocates may help children and care leavers, and the powers which they may discharge for the purpose of giving such help.
- (4) Matters for the purpose of paragraph (3)(f) may include in particular –
 - (a) help to be given to children and care leavers in obtaining information about, and understanding applicable and relevant provisions of, this Law with particular regard to the rights of those children and care leavers under it;
 - (b) help to be given to children and care leavers as to the proper exercise of those rights; and
 - (c) help to be given to children and care leavers who make, or intend to make, any complaints or other representations under the procedure referred to in Article 45.
- (5) Powers for the purpose of paragraph (3)(f) may include in particular –

- (a) the power to visit and interview a child or care leaver in private;
 - (b) the power to visit and interview any person professionally concerned with the child or care leaver;
 - (c) the power to represent a child or care leaver who makes any complaint or other representations under the procedure referred to in Article 45; or
 - (d) the power to require disclosure and inspection of records relating to a child or care leaver, and the circumstances and manner of the exercise of such power (including, for the avoidance of doubt, provision as to circumstances in which a child or care leaver may object to disclosure).
- (6) The States may by Regulations make reasonable arrangements as to the role and conduct of independent advocates in relation to people specified in those Regulations, including provision as to –
- (a) the steps to be taken to ensure those people are aware of the availability of the services of independent advocates; and
 - (b) matters in which independent advocates may help those people and the powers which they may exercise for the purpose of giving such help.
- (7) Powers for the purpose of paragraph (6)(b) may include in particular –
- (a) the power to visit and interview those people;
 - (b) the power to visit and interview any person professionally concerned with those people; or
 - (c) the power to represent any such people who make any complaint or other representations under the procedure referred to in Article 45.
- (8) In this Article –
- “children” means the individuals referred to in paragraph (1)(a) and (b);
- “independent” means independent of any other persons involved in a professional or personal capacity with the child or care leaver.

45 Procedure for complaints or representations

- (1) The Minister must establish a written procedure (“procedure”) for considering and resolving complaints or representations made to the Minister about –
- (a) the discharge of specified functions in respect of children and care leavers conferred on any person under Parts 4, 5, 7 and 8; and
 - (b) the discharge –
 - (i) of the Minister’s specified functions under Part 3 (Ministerial support for children and families), Part 4 (care and supervision) and Part 5 (protection of children) of the Children Law,
 - (ii) of specified functions conferred on any person under the [Adoption \(Jersey\) Law 1961](#), and
 - (iii) of such other specified functions in respect of children or care leavers discharged by the Minister, or other specified person,

whether those functions are conferred under this Law or under any other enactment.

- (2) The duty to establish the procedure does not extend to decisions of the Court or Law Officers Department.
- (3) The procedure must, in particular, provide –
 - (a) for complaints or representations which cannot be considered;
 - (b) subject to paragraph (4)(a), for who may make complaints or representations, and when;
 - (c) for an opportunity for informal resolution of a complaint at an early stage;
 - (d) that no person who is the subject of a complaint takes part in its consideration other than, if the Minister considers it appropriate, at the informal resolution stage only; and
 - (e) for complaints or representations to be made by –
 - (i) an independent advocate appointed in accordance with Regulations made Article 44, or
 - (ii) any other person acting on behalf of a child or care leaver.
- (4) The Minister must –
 - (a) ensure that children and care leavers are enabled to make a complaint or representation and are not subject to any reprisal; and
 - (b) make a written record of any complaint or representation, the action taken in response to it, and the outcome of any informal resolution or investigation.
- (5) The Minister must publish the procedure, review it annually, and publish it when revised.
- (6) In this Article –

“children” means all children;

“complaint” means a statement in writing (including in electronic form) which is made by a child or care leaver or any other person specified in the procedure, expressing dissatisfaction or disquiet about an act done by or on behalf of the Minister or any other person specified in the procedure in relation to a child or care leaver;

“Law Officers Department” is construed in accordance with Article 1(1)(b) of the Departments of the Judiciary Law;

“representation” may include a complaint, or may be a statement, enquiry or comment which requires a response;

“specified” means specified in the procedure.
- (7) In the definition “complaint”, an act may include the standard of any service provided.

PART 10

CLOSING PROVISIONS

46 Regulations and Orders

- (1) The States may, by Regulations, amend any enactment including this Law for the purposes of making such transitional, consequential, incidental, supplementary or savings provisions as appear to the States to be necessary or expedient in consequence of any provision made by or under this Law.
- (2) A power under this Law to amend, by Order or Regulations, any provision of this Law includes the power to make such transitional, consequential, incidental or supplementary amendments to any other provision of this Law as appear to the Minister or States (as the case may be) to be necessary or expedient.
- (3) A power under this Law to make an Order or Regulations for purposes other than under paragraph (1) or (2) includes the power to make such transitional, consequential, incidental, supplementary or savings provisions as appear to the Minister or the States (as the case may be) to be necessary or expedient for the purposes of the Order or Regulations.

47 Children Law amended

- (1) In Article 17 (provision of accommodation for children: general) of the Children Law, in paragraph (5), for “under 21” there is substituted “under 22”.
- (2) In Article 19 (general duty of Minister in relation to children the Minister looks after) of the Children Law, for paragraph (1) there is substituted –
“(1) Where the Minister is looking after any child, the Minister shall –
 - (a) promote and support the child’s wellbeing, and safeguard the child’s welfare; and
 - (b) provide that child with such services as the child requires in accordance with Part 7 of the Children and Young People (Jersey) Law 2022.”.
- (3) For Article 21 (advice and assistance for certain children) of the Children Law there is substituted –

“21 Advice and assistance for certain individuals and notification to be given in respect of children leaving certain accommodation after age 16

- (1) Paragraph (2) applies in respect of an individual who has reached the age of 18 but is under the age of 22 who, at any time between the ages of 16 and 18, was –
 - (a) accommodated by or on behalf of a voluntary organisation;
 - (b) accommodated in a hospital, nursing home or in any home consisting of a care home service or any nursing home for a

- consecutive period of at least 3 months (whether or not this period began before the individual reached the age of 16); or
 - (c) a privately fostered child.
- (2) Paragraph (3) applies where an individual described in paragraph (1) has asked the Minister for assistance and –
 - (a) that individual appears to the Minister to need advice and to be befriended; or
 - (b) the Minister is satisfied that the person who was looking after the individual concerned does not have the necessary facilities for advising or befriending that individual.
- (3) Where this paragraph applies, the Minister may advise and befriend the individual concerned and may give that individual assistance which may be in kind or in cash.
- (4) Paragraph (5) applies in respect of a child who is accommodated –
 - (a) by a voluntary organisation or in a children’s home; or
 - (b) in any home consisting of a care home service or any nursing home, for a consecutive period of at least 3 months.
- (5) Where a child described in paragraph (4) ceases to be so accommodated after reaching the age of 16, the organisation, or person carrying on the home which was accommodating the child, must inform the Minister.”.

48 Citation and commencement

This Law may be cited as the Children and Young People (Jersey) Law 2022 and comes into force on a day to be specified by the States by Act.

SCHEDULE

(Article 25)

CORPORATE PARENTS

Column 1	Column 2	Column 3
Public Authorities	Schools, Nursery Schools and Day Care Accommodation	Bodies operating at arm's length from the States including any such bodies in receipt of funding or grants from the States
The Chief Minister and Ministers	Provided schools listed in Schedule 1 to the Education Law	Andium Homes Limited
A department or unit of administration established on behalf of the States	Non-provided schools (as defined in the Education Law) registered under Article 40 of that Education Law	Family Nursing and Home Care (Jersey) Incorporated
The parishes	Nursery schools (as defined in the Education Law) established and maintained by the Minister under Article 8 of that Law	Jersey Sport Limited
The States of Jersey Police Force (referred to in Article 2 of the States of Jersey Police Force Law 2012)		The Jersey Arts Trust
The Jersey Probation and Aftercare Service		