

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. In proposition 12e, delete the semi colon at the end and add:

“and agree that modelling of the impact of any proposed thresholds will be undertaken to identify the number of children that are likely to be affected by them and the predicted impact on delay and outcomes;”

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

Great care will be needed in drafting the new threshold for making a Community Parenting Order to ensure that it remains clear that the CPO is an order for the long-term arrangements for the child as envisaged in the 2004 States Report.

Removal of the reasonable prospect limb of the threshold (paragraph 6.67 – 6.68 of the Policy Letter) risks diluting the “permanent” character of the threshold for a CPO.

Adopting the threshold for the care order in England and Wales risks a messy interface between the court and the Tribunal and further avoidable duplication, leading to the possibility of further confusion and delay. It also runs the risk of increasing the number of cases heard in court with associated additional costs.

In order to ensure that no unintended consequences arise it would therefore be helpful to have a commitment expressed to model the impact of any proposed threshold. This could be achieved as part of phase 2 in preparation for the draft law.