

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

As you will be aware, in November 2015, a report on the review of the Guernsey Children Law was published by the Scrutiny Committee. The review had been undertaken on behalf of the committee by Professor Kathleen Marshall and contained 21 recommendations. So with that in mind I ask the following questions:

1. Can you please tell me if your committee are satisfied that the recommendations relating to your department/committee, have been pursued, progressed and finalised?

Please see the attached table below for progress updates against the 10 recommendations of the review undertaken by Professor Kathleen Marshall in November 2015 which are within the mandate of the Committee *for* Health & Social Care.

2. Are you able to provide me with an assurance that by pursuing, progressing and finalising the recommendations that apply to your department/committee, the desired outcome has been attained?

The progress updates below indicate that all actions under the Committee are completed or nearing completion towards the desired outcomes. The response to recommendation 17 in the below table also refers to proposals for the ongoing evaluation and review of the Children (Guernsey and Alderney) Law, 2008 to allow the proposed changes to the family justice and care system to be measured over time. Actions will then inform future reviews of the Law, and the outcomes achieved for children and families, to therefore ensure that desired outcomes are attained.

Date of receipt of questions: 6th February 2025

Date of response: 21st February 2025

Summary:

The Marshall Report made 21 recommendations, 10 of which were specific to the mandate of the Committee *for* Health & Social Care.

Of those 10 recommendations:

- 6 are completed
- 4 are not yet completed but are being addressed under phase 1 of the Review of the Children Law and Outcomes

In November 2022 ([Billet d'État XVII of 2022](#)) the States agreed a series of changes to the Children (Guernsey & Alderney) Law, 2008 (the Children Law) to improve outcomes for children by reducing delay and duplication in the family care and justice system, seeking to incorporate as much of the recommendations of the Marshall Report as possible. It is intended that the amendments to the primary legislation are returned to the States of Deliberation for approval this political term which will see most, if not all, of the recommendations resolved.

No.	Recommendation	Action taken to implement the recommendations	Complete
10	The States should 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.	<p>Creation of a Corporate Parenting Action Plan, closely aligned with the Children and Young People's Plan (CYPP). Included workstreams focused specifically upon improving the psychological well-being of children in care, and improving education and health outcomes.</p> <p>The Action Plan has also driven forward the inception of the Reparative Care Team, a multi-disciplinary team focusing on providing therapeutic services for children in care and children who have been adopted. This required close working relationships with partner agencies and the Committee <i>for</i> Education, Sport & Culture (CfESC) and the Committee <i>for</i> Employment & Social Security (CfESS).</p> <p>Launch of Specialist Therapeutic Foster Care on-island. The first young people to benefit from the scheme moved into specialist foster placements in Q4 2016. Children and Family Community Services (CFCS) continue to invest in the scheme.</p> <p>The Multi-Agency Support Hub (MASH) has been successful in meeting its key aims for this group. These include the reduction of children at risk of significant harm, a reduction in the number of</p>	Yes

No.	Recommendation	Action taken to implement the recommendations	Complete
		<p>children subject to legal orders and a reduction in the number of children received into the care of the State.</p> <p>Secondary Regulations relating to children in care and care leavers are in development (see recommendation 11 below).</p> <p>Information for children in need has been published in various places:</p> <ul style="list-style-type: none"> • The Islands Child Protection Committee website covers child protection services⁴ and links to charities. • The www.gov.gg site covers child protection agency contacts and links to service information such as the Safeguarder Services.⁵ • The CfHSC site⁶ includes support and services available. • www.signpost.gg⁷ launched in 2016 provides a guide to parents and carer's and list support, services and activities for children with disabilities in Guernsey. • Since 2016, States Members have been invited to a presentation on their responsibilities as Corporate Parents at the beginning of each term. <p>CFCS have also undertaken work to re-design the gateway entry services for the provision of early helps services and services for children in need. They have also published a revised Threshold Framework which details clearly how services are accessed. This is published on the Island's Safeguarding Children Partnership (ISCP) website - Island's Safeguarding Children Partnership.</p>	
11	Funds and personnel should be provided to draft the secondary legislation and guidance required to fully implement the Children Law.	<p>Scoping for the secondary regulations for sections 25 and 26 of the Children Law has been completed and drafting has commenced. These regulations relate to the legal duties and services to be provided to children in care and care leavers. It is anticipated that these regulations will be ready for enactment in January 2026 in alignment with the enactment of the proposed changes to the Children Law.</p> <p>Extensive work has also been undertaken to develop operational supporting guidance to accompany the regulations which it is hoped can be in place in late 2025.</p>	No – in progress

No.	Recommendation	Action taken to implement the recommendations	Complete
		The development of Information Sharing Protocols between agencies will set out what information can and should be shared between agencies operating under the Law, whilst ensuring compliance with data protection and human rights obligations. They will also make clear what the relevant agency's roles and responsibilities are in terms of information sharing and provide the necessary guidance to ensure greater clarity and understanding.	
12	All current and new staff within HSC should receive training on the Tribunal system and the role of the Convenor.	<p>All new staff are supported to develop an understanding of the role of the Children's Convenor and purpose and functioning of the Child, Youth and Community Tribunal (CYCT) system. Each new member of staff attends an induction visit to enable them to hear directly how the system and process functions in supporting children and families in the Bailiwick.</p> <p>The role of the Children's Convenor and CYCT processes and the functioning of the law also form a part of a mandatory level three safeguarding training on-Island and these sessions are delivered by colleagues at the Office of the Children's Convenor.</p> <p>New staff are provided with a copy of the Children Law. They are also signposted to the CYCT website and support is followed up in formal and informal supervisions.</p> <p>As part of the review of the Children Law, awareness raising sessions focused on the proposed changes have commenced and more extensive training for those who work directly within the family justice and care system are anticipated to take place later this year. The changes will also be embedded in mandatory safeguarding training delivered by the ISCP.</p>	Yes
13	Children and those with parental responsibility should be required to attend meetings of the Tribunal unless excused from attendance.	This recommendation was considered as part of the CfHSC's consultation on the Law in 2019 and the Outcomes Report in 2022/21. Proposition 9 of the Review of the Children Law and Outcomes Policy Letter includes a proposal seeking to compel responsible adults to attend Tribunal hearings, unless excused or if not considered necessary. This was not pursued in respect of children. This was set out in paragraphs 6.30-6.39 of that Policy Letter and will be taken forward as directed.	No – in progress
14	The legal duty to refer to the Convenor where the	All new members of staff are supported to undertake an individual induction visit to the Office of the Children's Convenor soon after commencing in post. During this visit they are given a first-hand	Yes

No.	Recommendation	Action taken to implement the recommendations	Complete
	Committee considers compulsory measures may be necessary should be emphasised in induction and training of HSC staff.	briefing about the role of the Children’s Convenor and how the CYCT system operates within the Bailiwick.	
15	Consideration should be given to clarifying the distinctive character of the Tribunal process and the community parenting order by rewording the threshold conditions for each.	As with recommendation 13, the Review of the Children Law and Outcomes Policy Letter included Propositions to address this. It is intended that this matter will be address in amendments to the Children Law which it is anticipated will be presented to the States of Deliberation this political term.	No – in progress
16	HSC should consider issuing guidance for staff, informed by legal advice, about the need for clarity about whether a case is aiming at rehabilitation or permanence and choice of the appropriate legal forum.	<p>In all cases where CfHSC is seeking to protect children from harm and to promote their proper and adequate health, welfare and development it has regard to the Children Law and the Human Rights (Bailiwick of Guernsey) Law, 2000 in determining the most appropriate intervention and pathway. Any decision to make an application to court will be taken at a Legal Planning Meeting chaired by a senior officer with the benefit of legal advice from the specialist team of lawyers from the Law Officers all of whom are locally qualified Advocates or act under the direct supervision of a locally qualified Advocate. Those decisions will consider in detail each individual family’s circumstances and have due regard to assessment and analysis by the professionals involved, the views of the children and family members and due regard to the Law and good practice (including the issues set out above) along with the importance of ensuring that cases are in the appropriate decision making forum at the appropriate time.</p> <p>Various pieces of legal guidance have been issued by the Law Officers of the Crown (Law Officers) in order to direct and structure legal practice in the Bailiwick. All have incorporated guidance to staff around operational practice in relation to legal proceedings.</p>	Yes

No.	Recommendation	Action taken to implement the recommendations	Complete
		<p>In addition to the proposed amendments to the Children Law, extensive work is taking place to develop multi-agency operational guidance for safeguarding which will detail the interface between the various parts of the care and family justice system and a Pre-Proceedings Protocol has been development to signpost the correct children to the correct parts of the system as required.</p>	
17	<p>Consideration should be given to introducing timescales for finding of fact hearings at court in relation to disputed conditions for referral, and to limiting the number of times an interim care requirement can be renewed.</p>	<p>As with recommendation 13, this work is included in the Review of the Children Law and Outcomes Policy Letter. This is captured in Proposition 14f which seeks to remove the requirement to review the interim care requirement every 28 days and set reviews at a minimum of six months.</p> <p>A non-statutory pre-proceedings protocol for public family law cases is being developed which will test timescales for the management of cases through the Tribunal and the court to establish a viable timeframe that is achievable and which contributes to removing delay. This includes timescales for finding of facts hearings in court. This protocol will be rolled-out and monitored, with data used to inform the next review of the Children Law. Outcomes measures have been agreed and historic data is also being evaluated to provide benchmarks to inform this work.</p>	No – in progress
18	<p>The States of Guernsey and Alderney should consider working together to produce a strategy for the provision of services in Alderney to promote the well-being and protection of children and young people. Children and young people should be involved in the development of the strategy.</p>	<p>The current Children and Young People’s Plan (2023 -2026) is the third CYPP and a mid-point refresh is due to be published shortly. This Plan extends to Alderney and its views are sought on the annual refresh.</p> <p>Some consultation has been carried out with children and young people through the Speak Up campaign that included primary and secondary school children. A period of consultation is also due to commence with the Youth Forum, Youth Parliament and the School Councils, which will focus on the current CYPP priorities; one of which is the proposed changes to the Children Law and ancillary actions.</p> <p>In collaboration with other services, work has begun to strengthen inter-agency working in Alderney in line with Rec. 18. St Anne’s School and the Youth Commission (for which CfESC is responsible) are both actively involved in this work. One major area of development is the establishment of a weekly inter-agency meeting to discuss support for children in need or at risk living in Alderney.</p>	Yes

No.	Recommendation	Action taken to implement the recommendations	Complete
19	HSC should consider identifying the post of Alderney social worker as a senior position, in order to promote the stability of placement and engender familiarity and trust.	This has been considered and trialled. Alternative provision is in place through social workers in Guernsey. There is ongoing collaborative working with Alderney on safeguarding and child protection.	Yes