

20 | Professional Advocacy Services

21 | *Report Summary*



“ Helping children sort out difficult or upsetting things in their lives. ”



INTRODUCTION

In February 2021, I asked the former Children’s Commissioner for England, Maggie Atkinson, to carry out an independent review of the independent professional advocacy services that are currently available to children who are looked after and care leavers in Jersey.

I commissioned this review because I was starting to become concerned that there may be some issues with the provision of independent professional advocacy in the Island. My concerns came as a result of research carried out by my office, and from certain individual cases that my team was involved with.

For the avoidance of doubt, the term ‘advocacy’ was understood by the children and young people who took part in this review as ‘a person or people who can help you sort out difficult or upsetting things in your life’.

It is particularly important that we succeed in providing high-quality professional advocacy services for children and young people in Jersey, as it is something that the Independent Jersey Care Inquiry (IJCI) made specific recommendations about.

To quote from the findings of the Inquiry directly: ‘It is essential that there is a clear means for looked after children to raise complaints and receive a response from those responsible for their care. The Commissioner should have oversight of such arrangements.’

It is my understanding that not all children who are looked after by the Minister, nor all care leavers, are able to exercise their right to be listened to and taken seriously through an independent advocacy service.

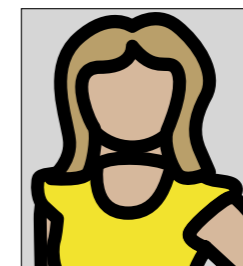
However, since the main provider of this service, Jersey Cares, did not fully participate in this review, it has not been possible to make a complete assessment of whether their provision of advocacy services is adequate or effective.

Nonetheless, the review has been able to go into sufficient depth to make a number of recommendations about professional independent advocacy in Jersey. Those recommendations are summarised in this document.

To read the full review, complete with details of its findings, methodology, timescales and so on, [click here](#) or visit our website.

A handwritten signature in black ink that reads "D McMillan".

**Deborah McMillan,
The Children’s Commissioner
for Jersey**



RECOMMENDATIONS

1 Independent advocacy should be offered to any and all children and young people who need it, free of charge, as an entitlement and a matter of course. It should be well-publicised to all Jersey children, young people and families, particularly those with English as a second language, those living in poverty, those excluded from school or in conflict with the law (see section 1.18 of full report for complete list).

2 Advocacy (its accessibility, and equality-based, non-discriminatory nature) should be enshrined in law as a mandatory feature of how children's issues are delivered, and ensuring all advocacy services can be regulated and inspected against formal standards of service, based on concrete and testable proof of outcomes and impact, not simply process, or raw numbers of children seen or worked with.

3 There are historical accounts of professionals in children's services 'gate keeping' and 'blocking', or of their own and other services' staff 'making bids for children to come to them alone'. The majority of participants in the review could evidence this as hindering previous attempts to offer advocacy to match Jersey's stated ambition to place children at the heart of policy. These practices must not be continued or repeated.



4 Government and the Office of the Children's Commissioner for Jersey (OCCJ) should continue to make it clear that the OCCJ does not now and will not in future offer professional advocacy. As the law governing the OCCJ's role states, the OCCJ may undertake human rights advice and support, signposting individuals to sources of help, and supporting a complaint made by a child or young person. If independent advocacy for all children and young people in Jersey is established, logic indicates that the OCCJ's involvement in these matters will diminish because OCCJ support should be needed by fewer individuals, as most will be obtaining support through established advocacy providers.

5 Contracts awarded to organisations to provide independent advocacy should be awarded after open, transparent, competitive and objectively awarded processes, with contracts fairly costed from agency to agency and client group to client group. The process should be based on formal invitations to tender. This will ensure there can be no explicit or implied criticism levelled at how contracts are awarded, thus safeguarding both the awarding body and the successful contractor.

6 Contracts for all independent advocacy should be explicit that advocacy bodies must offer their services to the target group for which their organisation has been contracted, not to others whose advocacy is provided by another organisation. Contractually, all organisations commissioned to provide services should be required to demonstrate that they work together across the children and young people's services landscape. This commitment should include, within GDPR requirements, formal agreements to share information.

RECOMMENDATIONS

7 Contracts for such 'high stakes' services should be attached to clear and binding targets, which should be SMART, and against which organisations should be held to account by Government, and by an independent inspectorate.



8 The independent advocacy provider would benefit from being a registered charity, regulated by the Island's Charity Commission, or if they are UK-headquartered with a Jersey branch, both the Island's and the UK's registered charity regulations. This provides another measure of independence. Civil society organisations play an important role in protecting and promoting children's rights, engaging in advocacy and offer alternative policies for government, acting as another check and balance in the system. However, this does mean that the trustees or members of the Board cannot be a Minister nor a member of the States Assembly under the Charities (Jersey) Law 2014.

9 The Government's stated ambition should now become an explicit expectation: that even if an advocacy service sets out funded by Government, it should become self-funding within a maximum of five years, including, where necessary, being supported by independent or third-sector grant giving foundations.

10 All concerned in policy, service design and delivery, and members of Jersey's wider public, should be regularly reminded and assured of the separation of functions that must pertain between separate services, such as the OCCJ and Children's Social Care (for complete list, see p11 of full report).

11 As per the provisions of the law that established and governs the OCCJ, the Commissioner and her/his staff, or those contracted to undertake particular pieces of work for the OCCJ, already have the legal power and duty to report on the adequacy and effectiveness of independent advocacy services as experienced by children and young people in Jersey, particularly those in the groups listed in section 1.18 of the full report.

12 To ensure that a continuous cycle of improvement, learning and development takes place in independent advocacy services, and is then fed into how other services work with and for children and young people, there should be a regulatory and inspection regime in Jersey that applies to all such services. It should operate on a cyclical basis of inspection, including the public reporting of findings, at least once every three years. This is an as-yet-unfulfilled recommendation from the IJCI and is therefore now long overdue for fulfilment.

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