

Convenor and Tribunal Board



**Annual
Report
2020**

Contents

Introduction	3
Foreword by the Chair of the Board	4
How the CYCT system works	7
The President's Annual Report	8
The Children's Convenor's Annual Report	13
The Children's Convenor's Statement	14
Strategic Aims	18
Performance and Targets 2020	18
Summary of Activities in 2020	19
Summary of the Data for 2020	20
Looking Forward	22
Statistics in 2020	23



Introduction

The Children's Tribunal system is made up of three independent parts: the Child Youth and Community Tribunal (the "CYCT"), the Office of the Children's Convenor (the "OCC") and the Convenor and Tribunal Board (the "Board").

The purpose of the Tribunal is to make decisions that protect children from harm and promote their proper and adequate health, welfare and development. The Tribunal is a legal forum and the decisions that it makes are legally binding. The Tribunal deals with the majority of children's cases where some compulsory State intervention may be needed. The President of the CYCT's main responsibilities are to manage the work of the Tribunal and monitor and develop the performance of the members of the Tribunal.

The Children's Convenor's main responsibility is to decide when a child or young person is referred to the Tribunal. The Children's Convenor also has many other legal responsibilities relating to children and young people and the Tribunal process.

The Board sets the overall strategic direction for both services and provides support and challenge to both the President and the Children's Convenor. The Board is responsible for securing the resources required to enable the Children's Convenor and the CYCT to carry out their respective duties.

The Children's Tribunal system relies on a number of highly inter-dependent roles that extend beyond the roles of the Board, Children's Convenor and CYCT members. This wider CYCT community includes the Committee for Health and Social Care which is responsible for giving effect to the decisions of Tribunal hearings, Social Workers, Safeguarders, Teachers, Advocates, Jurats and a range of other professionals and volunteers.

The members of the Convenor and Tribunal Board in 2020 were:



Mrs Gill Couch (Chair)
Mrs Janet Gaggs
Mr Jon Beausire
Mrs Angharad Lewis-Jones

Mr Nigel Lewis
Advocate Peter Atkinson
Dr Beverley Workman

Foreword by the chair of the Board



The Children's Convenor and Tribunal Board is pleased to present the Annual Reports of the Children's Convenor and the President of the CYCT for 2020.

2020 was undoubtedly dominated by the pandemic. The OCC and the CYCT, like all public facing services, had to re-imagine how they would operate in response to the restrictions imposed to deal with the Coronavirus outbreak which began in earnest in Guernsey in March. I am pleased to report that both Services, led by the Children's Convenor and the President of the Tribunal adapted quickly to the rapidly changing public health context and provided the guidance, support and training necessary for the continuation of the effective delivery of their statutory responsibilities.

The reduced volume of Hearings and the move to virtual Tribunals presented significant challenges for volunteers, staff and our partner agencies. The flexibility and pragmatism shown by all involved was truly admirable. The Board is grateful to everyone for their commitment and hard work. It is to their great credit that throughout these difficult times they never lost sight of the children and young people whose lives were already fraught with challenge and adversity without the complications caused by the pandemic. We would also like to thank all of the children, young people and their families who have taken part in Hearings by telephone during the lockdown. They have shown great resilience in adapting to the ever changing circumstances and new ways of doing things.

As the immediate threat of COVID 19 receded during the summer months, we would have been unsurprised to see an increase in referrals as a result of the pressures lockdown inevitably brought to bear on the lives of vulnerable children and their families. It is therefore a concern to us that the number of care and protection referrals received during 2020 were the lowest received to date.

Some key points from the Annual Reports submitted to the Board this year are:

- ▶ Despite the increase in need engendered by the pandemic the number of referrals to the Convenor fell.
- ▶ Both the OCC and the CYCT continue to provide cost effective services operating within budget expectations.
- ▶ Decision-making within the CYCT is on average quicker than decision-making in courts and re-referral rates are low.

- ▶ The timeliness of decision-making by the Convenor and CYCT is significantly impacted by the pressures on other services and their ability to provide timely reports and information.
- ▶ There continues to be strong support for the CYCT from the local community with just under 50 people applying to become CYCT members in 2020.

In December the Board began the process of reviewing our Strategic Plan and establishing priorities for the future in consultation with the Convenor and the President of the CYCT. This will take into account the lessons learned in 2020. While maintaining a stable response to the pandemic will clearly be very important in the future, the Board recognises that planning may need to be relatively short term and flexible in order to be ready for the unforeseen consequences of what we already know and indeed for the totally unexpected.

Beyond managing the emerging effects of Coronavirus, contributing to the debate regarding the reform of the Children Law will form a large part of the work we will undertake in 2021 and beyond. We believe any changes must preserve what is best in the original Law, maintain its ethos, spirit and intention and be informed by evidence. There has been no shortage of opinions and proposals for reform with professionals consulted and listened to - perhaps now it is the turn of children, young people and their families. Their views are key to helping us understand their experience and give effect to our collective commitment to child centred services which focus on children's rights and respond sensitively to trauma. We continue to be proud of the non-adversarial, holistic and child centred environment we provide for children and their families to be active participants in finding solutions to their difficulties.

The Board is grateful to the Children's Convenor, the President of the CYCT and their Deputies for the outstanding leadership they have demonstrated within the service during 2020. Worthy of note too is the exceptional level of co-operation that has characterised the relationship between these two independent services during the course of this year. The Convenor and the President have led their teams of staff and volunteers with dedication and sensitivity to individual needs through largely uncharted waters and delivered their services once again within budget. And despite the magnitude of the task of delivering their

statutory functions in the face of COVID 19 restrictions both the Convenor and the President have reached out to the wider community to enhance understanding of children and young people's challenges and difficulties and how best to support them. It is this willingness to take the lead in encouraging professional and community discussion and generate a learning community that is a hallmark of our service and keeps it fit for purpose and able and willing to face future challenges and change.

Gill Couch

Chair of the Convenor and Tribunal Board



How the CYCT System works

- ▶ An incident occurs or a concern arises and a child or young person is referred to the Children's Convenor.
- ▶ The Convenor investigates the incident or concern by requesting information from different sources. This can include information on the child's attendance and behaviour at school, their health and development, family background and involvement with other agencies.
- ▶ The Convenor evaluates the information and decides whether there may be a need for compulsory intervention (intervention in family life irrespective of the consent of the child and their parents). If so, the child is referred to a hearing of the CYCT.
- ▶ If the Convenor decides that a CYCT hearing is needed, the child or young person and their family will attend a meeting arranged by the Convenor to consider the Children's Convenor Statement (legal reasons for the CYCT hearing).
- ▶ A CYCT hearing will take place once the grounds of referral are accepted or, if necessary, once the Juvenile Court has decided that they have been established on the basis of evidence presented by the Convenor.
- ▶ Each CYCT hearing comprises of three CYCT members, all trained volunteers from the local community. The child or young person and their family or carers are central participants in the hearing.
- ▶ At the hearing the CYCT members will hear from the child or young person and their parents or carers and from the professionals involved in their lives – for instance teachers and social workers.
- ▶ Having heard from everyone the CYCT makes a decision on whether or not a legal order called a care requirement is necessary.
- ▶ If a care requirement is made, the CYCT can attach conditions to this such as where the child shall live, who they will have contact with or that they will attend a programme to address their behaviour.
- ▶ Once made the CYCT can review a care requirement and it can be cancelled, continued or changed.
- ▶ The Committee for Health and Social Care has a legal obligation to implement the decisions made by the CYCT.



The President's Annual Report to the Convenor & Tribunal Board for 2020

This report covers the period 1st January 2020 to 31st December 2020. It summarises the activities of the President of the CYCT during that period and presents statistical information about the membership of the CYCT.

President's Statement



2020 was my first full year as President since being sworn in by the Royal Court in May of the previous year.

At the beginning of 2020 I was joined by Jane Betley and Richard Hamilton who shared the role of Vice-President.

I am indebted to them as well as Gill Couch (Chair of the Convenor and Tribunal Board) and Karen Brady (Children's Convenor) for their wise counsel and unstinting support throughout the year.

It is 10 years since the Tribunal system came into being and never before has the Service faced such difficult challenges as those presented by the threat of Coronavirus and the lockdown introduced by the States of Guernsey at the end of March. With the announcement of the lockdown, plans were immediately drawn up to hold all Hearings, which would normally be held face-to-face at Briarwood, remotely. The Hearing schedule was adjusted to include only those hearings deemed essential and these were facilitated by the Convenor with everyone participating by telephone.

As restrictions were eased and the Island went through the various phases of coming out of lockdown, arrangements for holding hearings were constantly re-visited and revised in order to facilitate as normal a pattern of working as possible whilst observing social distancing and hygiene rules. However, it was still many months before we were in a position to be able to facilitate hearings with everyone present at Briarwood once again. It is testament to the co-operation between the Office of the Children's Convenor and the CYCT that, whilst the hearing schedule was scaled back to only critical hearings during this period, hearings continued to be held to protect the most vulnerable children and young people in the Bailiwick.

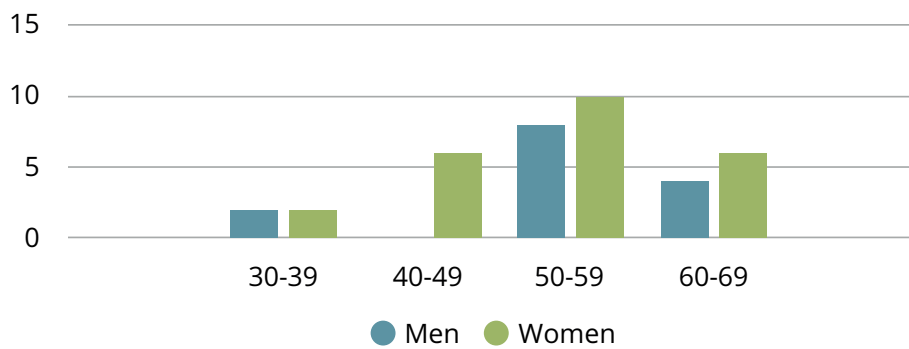
Membership

At the start of 2020 there were thirty eight (38) members of the CYCT. Five members resigned during the course of the year and a further two could not be re-appointed due to age. I would like to offer my own personal thanks to all of the members who left us during the year for their service to the Tribunal.

Meanwhile, seven members joined the Tribunal in June 2020 having finally completed their pre-service training which had been interrupted by lockdown. The number of members at the end of the year now, once again, stands at thirty-eight (38). Five members did not actively participate in hearings all year due to work and personal matters.

Members come from a diversity of backgrounds. Some work full-time, some part-time and some are retired. Members are or have been teachers, accountants, HR staff and sports coaches to name but a few. The breakdown of age and gender of the current thirty-eight members is represented in the following chart.

Breakdown of age and gender of CYCT members



The role of a Tribunal member is a voluntary one with a small allowance paid to members for each hearing they attend.

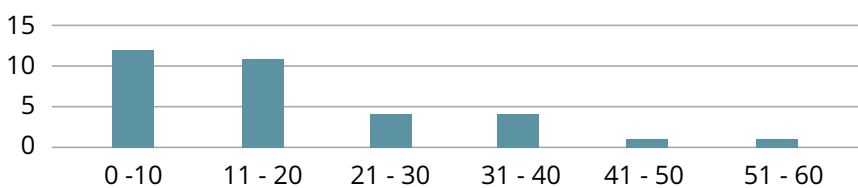
Number of hearings held

During 2020, 251 hearing sessions of the Tribunal took place to consider children’s cases. These related to 100 children. (Some children appeared before the Tribunal on more than one occasion).

Number of hearings by CYCT members

As illustrated by the graph below, for those thirty-three (33) CYCT members who were active during 2020, the maximum number of hearings attended by a CYCT member was fifty-seven (57) and the minimum was under ten (10).

Number of hearings by individual CYCT members in 2020



Members are requested to commit to a minimum of one hearing a month with the average being two. During the period of lockdown when hearings were reduced to only the most essential and were being held by telephone, a smaller number of Tribunal members were being called upon to facilitate those hearings. This resulted in 6 members sitting on a much larger number of hearings than they would otherwise have, as represented in the graph on page 10.

Recruitment

We began a campaign to recruit new members in September 2020 which was slightly later in the year than we had anticipated. The campaign was a great success with just under 50 people applying to become CYCT members. This was reduced to a shortlist of 24 with 18 people accepted for pre-service training to begin in January 2021. I would like to thank everyone who took the time to apply to become a Tribunal member and if you were not successful this time please do not let that put you off applying in the future. The calibre of applicants was particularly high and we had to make some difficult decisions about who we could take forward at the various stages.

Monitoring of members

The performance of CYCT members continues to be monitored on an ongoing basis. 2020 was an extremely disrupted year for the Monitoring Team with lockdown and the subsequent cancelling of non-essential hearings followed by rules on social distancing which placed restrictions on the number of individuals permitted in the hearing room. In this instance it was imperative that children, young people and their families as well as professionals were given priority. However, despite the restrictions, twenty-one CYCT members were monitored at least once and seven of them at least twice in 2020. I would like to thank all of the Monitoring Team for their efforts, particularly in the last quarter of the year when they were monitoring several hearings a week in order to ensure they observed as many members as possible.

Training

In January 2020 Deputy Convenor, James Ovenden delivered Chair training to a group of six members in order to increase the number of CYCT members that could be called upon to Chair hearings.

Covid 19 and the subsequent lockdown in late March necessitated the cancellation of the first session of mandatory training in the year, however a full day of mandatory training was delivered to CYCT members in November 2020. 78% of members attended the training and a further session is planned for 2021 for the remainder of the membership, the Convenor's and Monitors.

Due to Covid 19 there were limited training opportunities for CYCT members in 2020 but some members did attend Domestic Abuse awareness training and a Level 2 Safeguarding Children course.

Once again it is my privilege to represent, as President, a group of such committed individuals as my fellow CYCT members, who give their time so selflessly in preparing for and sitting on hearings. There is no doubt that this has been a hugely challenging year for us all and I have been so grateful for the support of the membership whose continued commitment has meant the service has met those challenges with minimum disruption. As a result the children and young people of the Bailiwick have continued to be afforded the care and protection of the Tribunal system.

Finally, and by no means least, my thanks go to all members of the Convenor and Tribunal Board as well as the staff at the OCC. This year has necessitated team work in order to adapt and meet changes in working patterns and it has been a pleasure to have been a part of that team.

Ashley Rawles
President of the CYCT



The Children's Convenor's Annual Report to the Convenor & Tribunal Board for 2020

This report covers the period 1st January 2020 to 31st December 2020. It summarises the activities and performance of the Office of the Children's Convenor during that period and presents statistical information about children and young people referred and notified to the Children's Convenor.

Children's Convenor's Statement



2020 was a year like no other. Dominated by the Coronavirus pandemic and the profound impact that this had on our community we all had to think differently about how we live and work.

As an essential service the OCC continued throughout the islands' lockdown to progress cases where children were at immediate or high risk of harm and those where legal orders were about to expire. Like many services we had to adapt rapidly to the changing circumstances and had to adopt new ways of working. While this created a number of challenges it also provided some unexpected opportunities. Our overriding priority throughout 2020 was to ensure that the best interests of children and young people remained central to everything that we do.

The impact of the pandemic and the measures put in place to safeguard the community are not yet fully known. There are however indications that there has been a significant impact on mental and physical health with increased instances of domestic abuse, substance use and feelings of loneliness and isolation. These are all factors that can increase risk for children and young people and can impact on their development and wider wellbeing. It is perhaps therefore not surprising that we saw an increase in the number of children made subject to a care requirement during 2020 and I anticipate that we will continue to see a similar trend in the years to come.

One point of note arising from our data is that the number of children referred to the Convenor because of concerns for their care or protection reduced significantly during 2020 and was the lowest recorded to date. This may reflect the increasing pressures on our health and social care services during 2020 or may reflect that fact that children in need or at risk were less visible to services. We know that interventions and referral to the appropriate services at the right time can protect children and support their development and wellbeing. It is therefore vital that as our recovery from the impact of the pandemic continues we remain vigilant to any early signs that children or families may need help and support.

In more recent years there has been a growing awareness of the harmful impact of childhood trauma with many organisations increasingly seeing the need to ensure that their staff are trauma-informed and responsive. Trauma can result from harmful experiences such as loss, isolation, violence, neglect and abuse. The effects can be wide-ranging, substantial, long-lasting and costly. Trauma can affect any one of us at any time, however for many families the impact of the pandemic will have increased and exacerbated both the risk and impact of trauma.

It is even more important now that the services we provide prevent further re-traumatisation for children, young people and adults. We have therefore committed to being a trauma-informed and trauma-responsive organisation and have begun our journey to realise that ambition.

Trauma-Informed is a way of working that recognises that anyone using a service may have experienced trauma or adverse childhood experiences and therefore may find it difficult to engage with services and develop the trusting relationships that are key in preventing and recovering from their effects. A trauma-informed workforce prioritises safety, empathy, humility, listening and learning and understands that trauma may impact the way a person copes with stresses or interacts with others. They ask “What has happened to you?” rather than “What is wrong with you?”

One of the key strengths of our approach to children and young people is our ability to address needs, risks, vulnerabilities and behaviours in an integrated and holistic way. Based on the principle that in order to help a child and their family there is a need to look behind the presenting issues to find the underlying causes, the CYCT makes decisions that look at all aspects of a child’s life rather than those issues being considered in different forums on different days. This is a principle in my view that we should fiercely defend as our evidence suggests that it is effective and efficient. The percentage of children referred for a second or subsequent time following a decision of the Convenor or CYCT is significantly lower than the referral or re-conviction rates in other parts of the system¹. In addition some recent work that we have undertaken to support the review of the Children Law demonstrates that decision-making in the CYCT is quicker than decision-making in Courts.

¹ See Guernsey Facts and Figures 2020, page 97, Reconviction rates & Island’s Safeguarding Children Partnership Annual Report 2019 – Repeat enquiries to MASH

During 2020 we were delighted to mark a significant milestone in ensuring children’s rights are respected and protected with the extension of the United Nations Convention on the Rights of the Child (UNCRC) to the Bailiwick. We are fortunate that many of the rights enshrined within the UNCRC are embedded in our laws and in the welfare principles that underpin how we carry out our roles. Our Children Law is one of the most progressive in the UK

and fully embraces the UNCRC principles of child friendly justice. Scotland is now seeking to follow our example by extending access to their Children's Hearing System to young people up to the age of 18².

2 Consultation on Raising the age of Referral to the Principal Reporter – Scottish Government June 2020.

The UNCRC reminds us of our collective responsibility to promote and protect the full range of rights that children are entitled to expect and gives our young people a set of standards on which they can hold us to account. It is for all of us now to ensure that we are taking steps to respect children's rights in all our decisions and actions and to ensure that the language of rights is reflected in our organisational vocabularies and policies.

Finally I would like to extend my thanks to the staff who support me in my role for their commitment, resilience and adaptability during 2020. In true Guernsey Together spirit they embraced the challenges that the year presented and found solutions to the many issues that were encountered along the way. While 2020 was a year like no other it has left us with a renewed sense of togetherness and focus on what is important – health, wellbeing and community.



The Primary Functions and Duties of the Children's Convenor

- ▶ Considering the cases of children who are referred and notified to the Children's Convenor.
- ▶ Investigating each referral and notification made.
- ▶ Deciding which children should be referred to the Child Youth and Community Tribunal (the "CYCT") and ensuring appropriate levels of support and intervention for those who are not.
- ▶ Conducting Children's Convenor Meetings and making decisions on issues arising.
- ▶ Preparing and conducting cases or issues referred to the Juvenile Court for a finding on disputed facts and appeals against decisions of the CYCT.
- ▶ Arranging hearings of the CYCT and notifying the outcomes of hearings.
- ▶ Ensuring fair process during the hearing and keeping a record of the proceedings.
- ▶ Managing the administration of the business of the Office of the Children's Convenor.
- ▶ Preparing a Business Plan and Annual Report concerning the activities of the Children's Convenor.
- ▶ Working with partner agencies and stakeholders to achieve better outcomes and interventions for children, young people and their families.



Strategic aims

The key priorities for the Office of the Children's Convenor for 2020 were;

- ▶ Increasing participation and engagement of children and young people;
- ▶ Raising awareness and understanding of the Office of the Children's Convenor and CYCT throughout the islands' communities; and
- ▶ Working with our partners to ensure that any changes to the Children (Guernsey and Alderney) Law, 2008 are aligned with the ethos of the Children's Tribunal System and are in the best interests of children and young people

Eleven key actions were identified in the Children's Convenor's Business Plan for 2020 to support these key priorities. Due to the impact of COVID-19 it was not possible to progress a number of these actions during 2020. Five actions were successfully concluded and are outlined in the section on key activity and achievements in 2020. Some actions have been carried forward into the Business Plan for 2021.

Performance and targets 2020

Our key performance measures and targets are set out in the Convenor and Tribunal Board Strategic Plan for 2017 – 2021. 40% of our targets were met during 2020. This is a reduction in our performance in previous years and reflects the significant impact on our service that arose from managing the restrictions imposed to deal with the COVID-19 pandemic.

During 2020, 68% of Convenor decisions were made within 50 working days. This was the same as our performance in 2019. We therefore did not meet the target of 80% set by the Board. This was in large part due to the fact that we did not receive all of the information required from other agencies to make a decision by the requested date.

2020 saw a decrease in the percentage of hearings (34%) where the child or young person actively participated in the process. This reflects the fact that hearings took place remotely by telephone conference call during a significant part of 2020.

We received no complaints from children, young people or their carers about our service during 2020.

There was one appeal against the decision of a hearing of the CYCT based on a procedural irregularity. This appeal was not opposed by the Convenor.

As in previous years we were within our budgetary targets for 2020.

Summary of key activity and achievements during 2020

- ▶ We provided a response to the Committee for Health and Social Care's consultation on amendment to the Children (Guernsey and Alderney) Law, 2008.
- ▶ We reviewed and updated our professional supervision framework to take account of the Island's Safeguarding Children Partnership's (ISCP) Standards for Safeguarding Supervision.
- ▶ We met with the Children's Commissioner for Jersey to establish connections and identify opportunities for shared learning.
- ▶ We introduced a continuing professional development framework to embed our commitment to the continuing development and learning of our workforce.
- ▶ When the COVID-19 virus reached the Bailiwick we introduced remote hearings to ensure that we could continue to keep children safe and ensure legal orders did not lapse.
- ▶ We reviewed our communication methods and set up a Facebook page to improve the accessibility of our public information.
- ▶ We worked closely with our partners to ensure that we could return safely to operating from Briarwood once the lockdown restrictions were relaxed.
- ▶ We developed a capacity plan to ensure that we were able to continue to deliver the Convenor's statutory functions in times of increased pressure on resources.
- ▶ We provided training to CYCT members on the issues arising from an appeal and on the European Convention on Human Rights.
- ▶ Along with one of our partners from the ISCP we launched an online Safeguarding Learning Network to connect professionals and share knowledge and experience within the Bailiwick and further afield.



Summary of the data for 2020

- ▶ Following a court case we reviewed our procedures relating to Rule 58 of the Family Proceedings Rules 2009.
- ▶ We contributed to the pre-service training for new CYCT members
- ▶ We shared information with colleagues in Jersey to inform their Youth Justice Strategy.
- ▶ We delivered four sessions of multi-agency training on the role of the Children's Convenor and the CYCT, attended by 42 professionals.
- ▶ We made 244 decisions on referrals; conducted 51 Convenor Meetings; convened 251 hearings of the CYCT and presented and concluded nine Court cases.

Throughout the year we gathered information to inform our practice and to share with our partners. Here is a summary of our data for 2020. Further information can be found in the Statistics section of the report.

- ▶ There was a decrease in the total number of referrals received by the Convenor during 2020. Non-offence referrals reduced by 60% and offence referrals increased by 5%.
- ▶ The majority (81%) of non-offence referrals related to concerns about the care and protection being given to children and young people by their parents or carers. Forty one (41%) of these related to children under the age of five.
- ▶ The most common reason for referral to the Convenor was that the young person had committed an offence (83%). Traffic offences made up 37% of the total offence referrals received with 61% of these relating to young people who were under the age of 17.
- ▶ A final decision was made by or on behalf of the Convenor on 244 referrals. The Convenor referred 12% of these referrals to the CYCT. This is a decrease in the percentage referred to the CYCT in 2019 (22%).
- ▶ 45% of reports and information requested by the Convenor to inform decisions were received by the date requested.

- ▶ 68% of Convenor decisions were made within 50 working days of receipt of the referral (39% of the decisions made on care and protection concerns, 75% of the decisions made on behaviour related concerns and 50% of the decisions made on school attendance concerns).
- ▶ The most common reason for referral of a child or young person to the CYCT by the Convenor was because the child or young person was suffering or was likely to suffer significant impairment to their health or development (77%).
- ▶ The grounds for referral were accepted by young people and their parents or carers in 69% of the cases considered at a Children's Convenor Meeting.
- ▶ The number of hearings of the CYCT held in 2020 decreased by 5%.
- ▶ There was an increase in both the number of children who were made subject to a care requirement in 2020 and those who were subject to a care requirement at the end of 2020.



Looking forward

We anticipate that recovery from the impact of the COVID- 19 pandemic will continue to be a feature in 2021. Our business plan priorities for the year ahead therefore reflect this and we will take the opportunity to review, adapt and modernise our practice wherever we can. Some of the activities that we will undertake in 2021 are:

- ▶ to work with partners to ensure any changes to the Children Law are in keeping with the ethos and fundamental principles of the CYCT system;
- ▶ to further develop the Safeguarding Learning Network;
- ▶ to further develop as a trauma-informed organisation and recognise the social, emotional and psychological stress inherent in the nature of the work that we do;
- ▶ to explore new ways of ensuring children and young people's views and opinions are heard and understood;
- ▶ to develop guidance and information for foster carers attending hearings of the CYCT;
- ▶ to implement the actions arising from the review of our court activity carried out in 2020 and develop a policy for handling of complex CYCT related court activity;
- ▶ to continue to review our policies and procedures to ensure compliance with GDPR; and
- ▶ to develop a digital strategy for the CYCT system to maximise the efficiencies and effectiveness that technology can provide.



Statistics in 2020

This section of the report includes the key statistics for 2020. Further details on how the CYCT system works are set out on page 7 of this report.

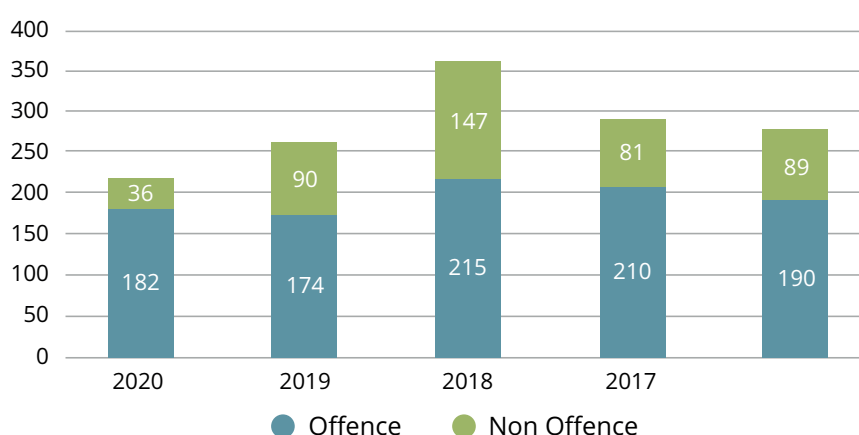
(Some counts between 1 and 4 are replaced by "<5" to ensure the anonymity of the data)

Referrals & children and young people referred

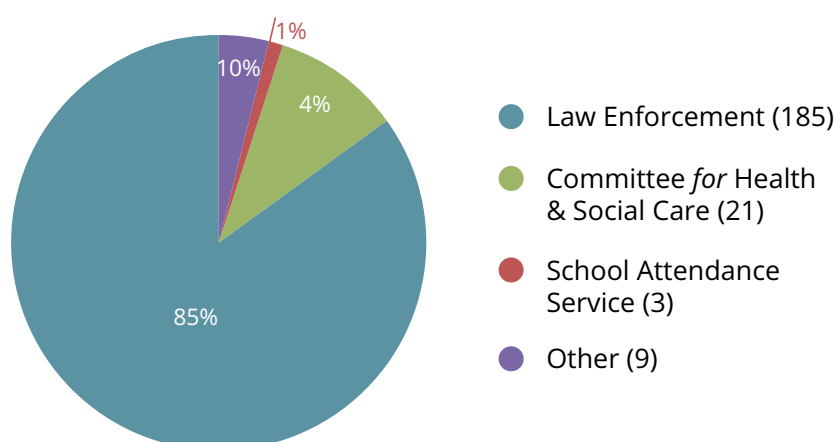
Referrals received by the Convenor

In 2020, 218 referrals were received by the Convenor; 182 offence related referrals and 36 non-offence referrals. Law Enforcement continued to be the main source of referrals comprising 72% of all referrals.

Number of referrals 2016 - 2020



Source of referrals

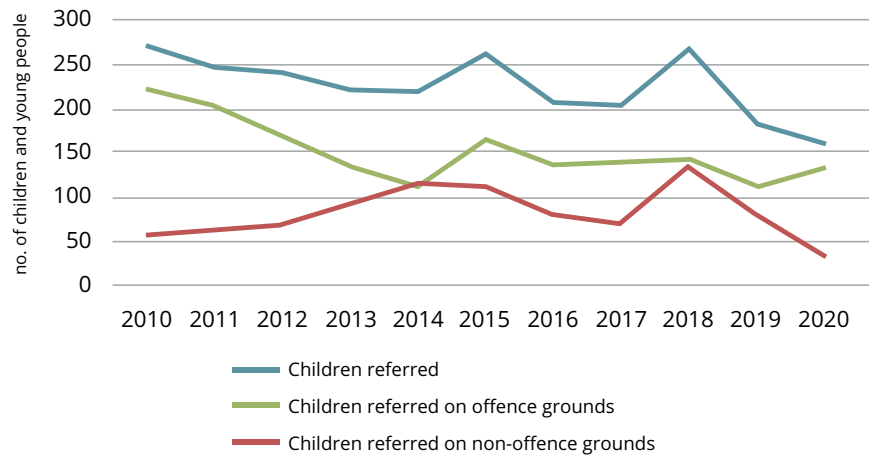


The referrals received in 2020 related to 161 individual children. Most children and young people were referred only once, with 7% referred three or more times. Some children were referred on both offence and non-offence grounds.

- ▶ 182 offence grounds (133 individual children)
- ▶ 36 non-offence grounds (34 individual children)

There were more males than females referred on both offence and non-offence grounds

Children and young people referred by year



Types of Concern

The grounds or reasons on which children can be referred to the Convenor are set out in section 35(2) of the Children (Guernsey and Alderney) Law, 2008 and are summarised in the chart below. These reflect the range of concerns identified by those referring children and young people to the Convenor. Some children were referred on more than one ground hence the number of grounds for referral in the chart being greater than the total number of referrals received.

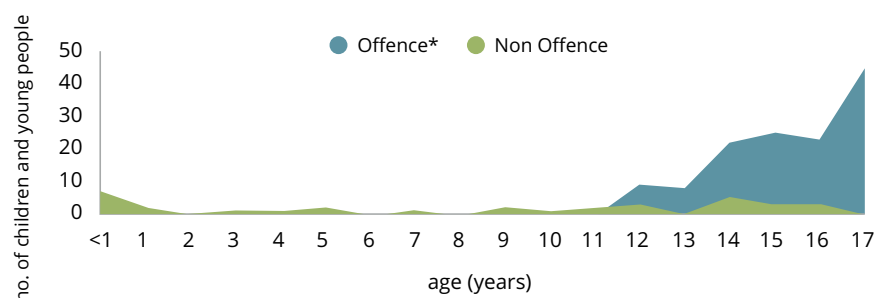
The most common ground for referral was that the young person had committed an offence. In total 133 young people were referred on this ground. 67 (37%) of the 182 offence referrals received related to traffic offences.

Reasons for referral	2020	2019	2018	2017	2016
(a) Significant impairment to health or development	29	67	126	54	72
(b) Physical or sexual abuse	6	22	22	7	5
(c) Misuse alcohol, drugs or volatile substance	2	2	6	5	2
(d) Exposed to moral danger	4	2	13	3	2
(e) Violent or destructive behaviour/beyond parental control	6	21	20	12	6
(f) Allegedly committed a criminal offence	182	174	215	210	190
(g) Failure to attend school without good reason	3	18	8	18	11

Age of children and young people referred

The most common age for children and young people to be referred on offence grounds was 17. The most common age of referral on non-offence grounds was <1.

Age of children and young people referred on offence and non-offence grounds in 2020



*the age of criminal responsibility in the Bailiwick is 12 years

Children's Convenor Decisions

During 2020 a final decision was made on 245 referrals received by the Convenor in 2020 or earlier. The chart below shows a breakdown of the decisions made. 12% were referred by the Convenor to the CYCT.

The most common reason for referral to the CYCT was on the grounds that the child or young person has suffered or was likely to suffer significant impairment to their health or development.

	No. of referrals (244)
Arrange a hearing of CYCT	30
No indication of a need for compulsory measures	15
Retained by or referred to HM Procureur	44
Refer to Committee for Health & Social Care	11
Refer to other Committee or Agency	1
No hearing required as measures already in place	32
No hearing required as child referred to CYCT for other reasons	1
Diversion to Road Traffic Awareness Programme	44
No hearing required as action taken by family or others	19
Diversions to Restorative Justice	7
Convenor interview	31
Insufficient evidence to proceed	9

Children's Convenor Meetings

33 referrals relating to 31 individual children were considered at 51 Children's Convenor meetings held during 2020. Seven of these referrals were still under consideration at the end of 2020.

For the Convenor Meeting's that concluded during 2020 the reasons for concern (grounds for referral) were accepted by the young person and their parents or carers in 69% of cases. (In one case the Convenor's Statement was withdrawn by the Convenor). The most common reason for concern not accepted was that the child had, or was likely to suffer significant impairment to their health or development (86%).

Applications to the Juvenile Court

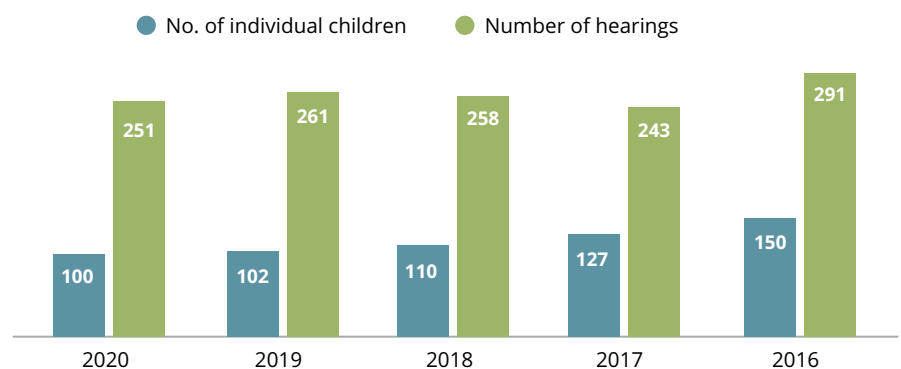
Nine applications made by the Convenor for a finding on disputed facts were concluded by the Juvenile Court in 2020. These applications related to twelve individual children. The conditions for referral were established in full or in part by the Court in eight applications (one application was withdrawn). The average time taken to conclude these applications was 25 weeks, with five of the nine applications concluded within 26 weeks.

Hearings of the Child, Youth & Community Tribunal

Number of Hearings

During 2020 there were 251 hearings of the CYCT held. These related to 100 individual children (some children appeared before the CYCT more than once).

Number of hearings

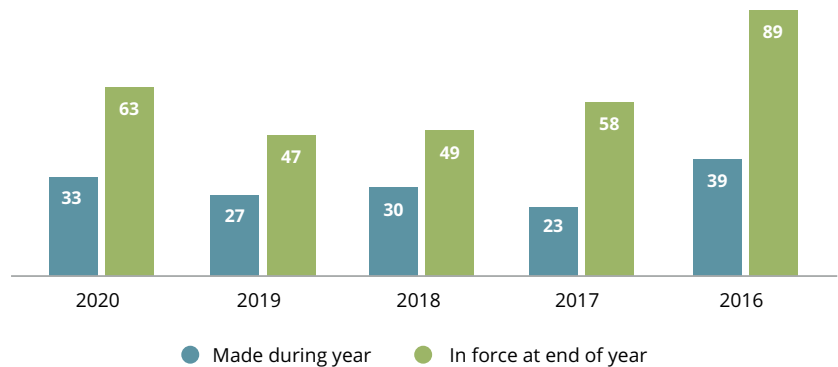


Outcomes

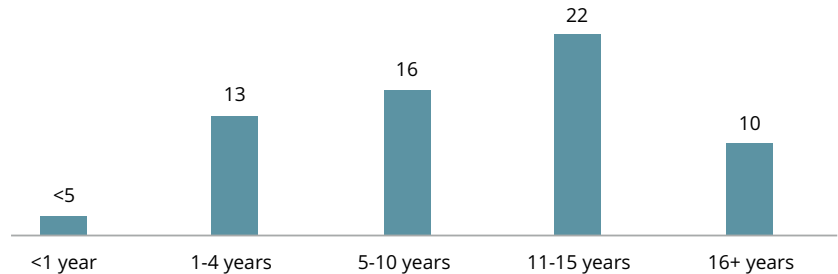
CYCT Hearing Decisions

A care requirement is the legal order that can be made by the CYCT when it is considered that compulsory intervention is needed for a child or young person. In 2020, 33 care requirements were made. 63 children were subject to a care requirement at the end of 2020.

Number of care requirements



Ages of Children subject to Care Requirements on 31/12/20



Reasons for Revocation of the Care Requirement

For 17 children the care requirement was revoked or came to an end during 2020. It has not been possible to report whether the desired outcomes were met, partially met or not met for these children as this information is no longer recorded within the Child's Plan.

Appeals

Children, their parents or carers and the Committee for Health & Social Care can appeal to the Juvenile Court against the decision of a hearing of the CYCT. In 2020, there was one appeal made against the decision of a hearing of the CYCT. This appeal was not defended by the Convenor and was upheld by the Court.

Re-referrals

Children are included in the re-referral count if they had a final decision made by the Convenor or CYCT during 2020 on one or more referral and they were subsequently re-referred to the Convenor within a period of 12 months of the date of the decision³. 38 children were included within the count from a total of 169 with a re-referral rate of 23%. This re-referral rate includes all categories of referral and therefore includes both offence and non-offence related referrals.

3 insufficient evidence decisions and referrals that were retained by HM Procureur are not included in the calculation

Notification to the Children's Convenor

Section 36 of the Law and Section 2 of the Children (Children's Convenor) (Guernsey and Alderney) Regulations, 2010 set out a number of matters (15) relating to children and young people that must be notified to the Convenor. In 2020, 21 notifications were received relating to 18 individual children.

Notifications received in 2020

