

The Children's Tribunal System Annual Report 2021



Annual Report 2021

The Convenor and Tribunal Board is pleased to present the Annual Reports of the President of the Child, Youth and Community Tribunal and the Children’s Convenor.

Table of Contents

<i>About The Children’s Tribunal System.....</i>	3
<i>How the Children’s Tribunal System works</i>	4
<i>Key Features of the Children’s Tribunal System.....</i>	5
<i>The President’s Annual Report to the Convenor & Tribunal Board for 2021.....</i>	6
<i>The Children’s Convenor’s Annual Report to the Convenor & Tribunal Board for 2021.....</i>	9
<i>Summary of the data for 2021</i>	13

About The Children's Tribunal System

The Children's Tribunal system is made up of three independent parts: the Child, Youth and Community Tribunal (the Tribunal), 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 where some compulsory State intervention may be needed. The President of the Tribunal'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 ensure that the Children's Convenor, the President and the Tribunal are able 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 Tribunal Members. This wider 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 2021 were:

Mrs Gill Couch (Chair)

Mrs Jane St Pier

Mrs Janet Gaggs

Mr Jon Beausire

Mrs Angharad Lewis-Jones

Mr Nigel Lewis

Advocate Peter Atkinson

Dr Beverley Workman

How the Children's Tribunal System works

- An incident occurs or a concern arises that may require compulsory intervention 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 Tribunal.
- If the Convenor decides that a 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 Hearing).
- A 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 Hearing comprises of three Tribunal 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 Tribunal 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 Tribunal makes a decision on whether or not a legal order called a care requirement is necessary.
- If a care requirement is made, the Tribunal 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 Tribunal 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 Tribunal.

Key Features of the Children's Tribunal System

Welfare-based – the welfare of the child is the paramount consideration for all decisions and actions, irrespective of the reasons for concern.

Holistic – the Tribunal considers the child's whole circumstances, including their family and wider community. Compulsory intervention encompasses care, protection, guidance and control.

Integrated – concerns about children's behaviour and welfare are dealt with in one place at the same time, ensuring a co-ordinated approach is taken to the needs of young people.

Community based – the Members of the Tribunal are trained lay people who represent a diverse cross section of the local community. They receive professional and procedural advice to inform their decisions.

Rights respecting – the principles and ethos of the Children's Tribunal System resonate with a number of the rights enshrined in the United Nations Convention on the Rights of the Child. Children, parents and carers have rights throughout the process; these include the right to accept or deny the reasons for concern, the right to appeal decisions and the right to ask for a review of compulsory intervention.

Non-adversarial – whilst still observing legal procedures, the style and setting of Tribunal Hearings are relatively informal with participants sitting around a table to encourage full and frank discussions. Legalese and court language is set aside in favour of more straight-forward terminology, which contributes to a supportive atmosphere, encouraging children, families and professionals to participate.

Inquisitorial – the Tribunal's approach allows a full enquiry into the circumstances of a child or young person in a way that a court cannot, resulting in an enhanced understanding of the child's world.

Participative – the child or young person is at the centre of Children's Tribunal proceedings. It is in effect "their Hearing"; a place where their voice is heard and their views taken into account. Two-way communication and active participation is encouraged. This increases ownership of the presenting concerns and the solutions to these and therefore increases the prospect of successful intervention.

Transparent - Tribunal Members reach their decisions in the presence of the child, family and professionals and explain the reasoning for the decisions made.

Flexible – the Tribunal has the ability to change or alter the measures initially put in place for a child when this is necessary.

Confidential – all Hearings are conducted in private to ensure protection for the privacy of the child and their family.

The President's Annual Report to the Convenor & Tribunal Board for 2021

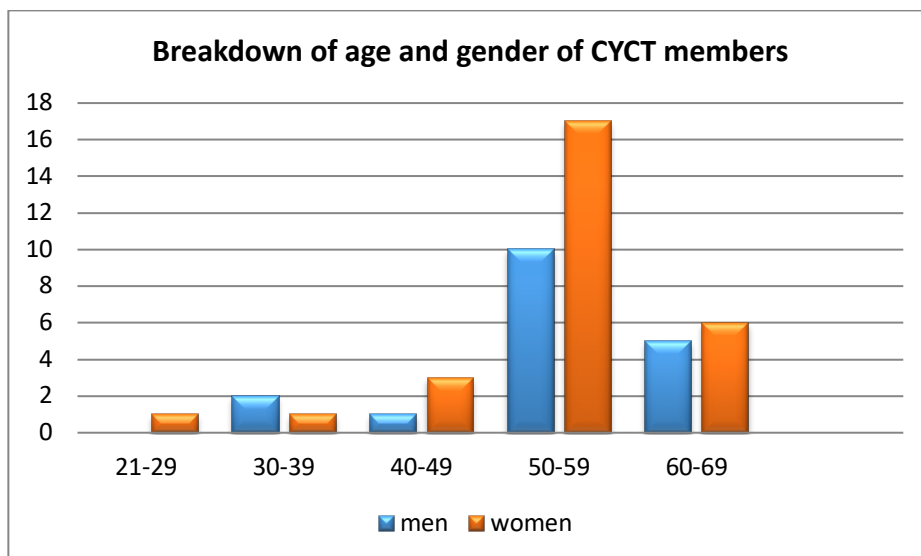
This report covers the period 1st January 2021 to 31st December 2021. It summarises the activities of the President of the CYCT during that period and presents statistical information about the Membership of the CYCT.

The main observation in my Report for 2020 was that, at no time since the introduction of the Children's Tribunal System, had we faced such challenges as those presented by the spread of COVID. During 2021, COVID continued to affect the operational aspects of the CYCT. However, it is a great credit to the Tribunal Membership and the Office of the Children's Convenor that we continued to hold Hearings, both in person and remotely, and ensured that the most vulnerable children and young people in the Bailiwick were afforded the care and protection they required.

During the year the process of holding Hearings remotely evolved from everyone participating by telephone to having Hearings on Microsoft Teams. This has not been without its challenges and my thanks go to both professionals and the families attending Hearings, whether that was in person or remotely, for their patience and understanding.

Membership

At the start of 2021, there were thirty eight (38) Members of the CYCT. During the year four (4) Members resigned for a variety of reasons whilst in December twelve (12) new Members were sworn in by the Royal Court. Therefore at the end of 2021 the CYCT had forty-six (46) Members. The breakdown of age and gender of the current Membership is represented in the following chart



Members continue to come from diverse backgrounds. Some work full-time, some part-time and some are retired. Members are or have been teachers, accountants, HR staff and sports coaches, among other professions. The role of a Tribunal Member is a voluntary one with a small allowance paid to each Member per Tribunal.

Number of Hearings held

During 2021, 182 Hearing sessions of the Tribunal took place to consider children's cases. These related to 99 children (some children appearing before the Tribunal on more than one occasion). Whilst the number of Hearings decreased by 27% from 2020 figures, the number of individual children attending Hearings remained on a par with the previous year.

Recruitment

Pre-service training for the twelve (12) new recruits began in January. This number was reduced from the initial eighteen (18) selected, due to changes in personal circumstances for six (6) individuals. The plan was that these new Members would be sworn in by the Royal Court and available to sit on Hearings from June 2021. However pre-service training was severely impacted by COVID and the Members were not sworn in until December 2021.

Monitoring of Members

Monitoring the performance of CYCT Members is an important process to ensure Tribunal Members continue to demonstrate the behaviours and attitudes expected of them and that they continue to meet the competencies required of the role. Unfortunately monitoring this year was disrupted because of COVID. Hearings at times were reduced to only those deemed essential whilst the number of persons permitted in the Hearing room was reduced to permit social distancing. However despite this all but three (3) Members were monitored at least once during the year. My thanks go to the monitors who persevered in such trying times.

Training

With the Island once again in lockdown, the first mandatory training session planned for the start of 2021 did not go ahead. We did however have a session in November which was attended by twenty-three (23) of the thirty-four (34) Members required to attend, representing 68% of the Membership.

Children's Law Review

During the year, I have been involved in contributing to the review of the Children Law and Outcomes report on behalf of the Membership. The aim of my input was to inform those responsible for the review, about the work of the Tribunal and the unique role the Tribunal plays as part of the care and justice system for children and families. The main role of the Tribunal is to involve children, young people and their families in the decisions that are being made about them; a doing with not doing to approach. The child or young person is held at the centre of proceedings which are designed to be informal and non-adversarial, whilst still making legally binding decisions. Since the Tribunal system was introduced in 2010 over 100

Islanders have served on the Tribunal with many more applying for selection. Of our current Membership eight (8) Members, representing 20% of the Membership have volunteered for ten years or more as they see and appreciate the value of the Children's Tribunal system in helping and supporting some of the most vulnerable children, young people and their families in the Bailiwick.

It is my privilege to represent, as President, a group of such committed individuals as my fellow Tribunal Members, who give their time so selflessly to preparing for and sitting on H Hearings. There is no doubt that this has, once again, been a 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 Child, Youth and Community Tribunal

The Children's Convenor's Annual Report to the Convenor & Tribunal Board for 2021

My statement for the 2020 Annual Report started with the observation that it had been a year like no other. We had experienced events that were previously unimaginable and the sense of uncertainty we felt continued into the new year. Whilst by the end of 2021 we were beginning to see things return to normal, a large part of the year continued to be dominated by the pandemic and its effects. The steps taken to keep us all safe had a profound impact on how we connected and interacted with each other, and wearing masks, social distancing and working from home all became part of our everyday lives.

For us, delivering a service that relies on communication and interaction these measures presented us with several challenges. We had to review and adapt our practice many times throughout the year and I would like to thank all those children and young people and their families who attended Convenor meetings and Tribunal Hearings during 2021, whether remotely or in person. Despite circumstances often being far from ideal, many of you were able to share with us your views, wishes and feelings on the things that are important to you.

The last two years have inevitably placed a strain on our service, and I have been overwhelmed by our team's never-ending commitment to hold children and their rights and welfare at the heart of everything they do. They have had to be resilient, resourceful and creative in finding solutions to many of the issues we have faced. They have risen to every challenge and have demonstrated the strength and value of working as a team and caring for each other.

A significant area of work for us during 2021 was contributing to the review of the Children Law and Outcomes report. As one of the independent services at the heart of our care and justice system for children and families, we are well placed to provide information and data to inform the review. While it is recognised that we have one of the most progressive and child centred laws within the British Isles, there is always scope to refine and update taking account of experience and evidence.

The main aim of our input has been to ensure that our care and justice system provides families with the right support and services at the right time to ensure that children can remain within their families whenever it is safe for them to do so, and that swift action can be taken when permanence is required. Throughout our engagement with those undertaking the various reviews and consultations, we have highlighted our view that lowering the threshold for court orders and increasing the decision-making options of the court run the risk of increasing the number of families brought into court proceedings. We can look to the experience in England over the last ten years to see the potential consequences of such a move. The report *Care Proceedings in England: The Case for Clear Blue Water* authored in 2018 by Isabelle Trowler Chief Social Worker for England and Wales highlights that it is not only the public purse that pays a heavy price for taking children and families into court when they can safely remain within their families; the heaviest price of all is paid by families and their children. The report argues that families subject to 'thin red line decisions', where the decision to remove a child from their parents could go either way, should be diverted away from court. We are fortunate in the Bailiwick to have an alternative to the options available in England. We have the Child, Youth and Community Tribunal; designed to help families navigate the stormy waters of parenthood in partnership with the State, providing legal

intervention and support when they fall below the 'thin red line' without the heavier price of court action. We must make better use of this alternative pathway when families are struggling to stay above water. If we don't provide the life jackets when they are needed, there is a danger of drifting into deeper waters.

Our data for 2021 provides further support for our concern that those agencies that have direct contact with children and young people are not referring to the Convenor early enough and that operational factors are contributing to delays in decision making for some children. For example, 36 children were referred to the Convenor by Health and Social Care Services because of concerns for their care and protection. This seems low when taken alongside the data recently published in the Bailiwick Law Enforcement Annual Report for 2021 (1238 children considered by the Multi Agency Support Hub and 297 children identified through the MARAC process as at risk of exposure to domestic abuse). Added to this, around half of the requests for information made by the Convenor and Tribunal were not received within the standard agreed timescales. There is no doubt that the challenges in recruitment and retention of staff within partner agencies, as well as the challenges of the pandemic, have contributed to this, however we must always be mindful of the impact of delay on a child's welfare.

I am pleased to report that, despite the challenges in 2021, our data shows that a high percentage of decisions made by the Convenor were made within our target of 50 working days. Children referred on offence grounds continue to remain low and the average time to conclude Tribunal proceedings to reach a final decision also remains lower than related court proceedings in England and Wales (comparable data is not published in the Bailiwick).

Looking ahead, we will take the opportunity to learn from our experiences. We will also invest in the health and wellbeing of our team recognising the emotional, social and psychological stress of the last few years.

Many families in the Bailiwick will face some challenging times ahead with the rising cost of living and housing, these factors can make it harder for parents to provide the best care for their children. We must be there to support families that will need some additional help and support and we must be relentless in pursuing a care and justice system that steps up when needed to provide children with the strong stable foundations and loving, enduring relationships that every child needs to thrive.

Karen Brady
Children's Convenor

Strategic Aims and Targets for the Children’s Tribunal System

The strategic aims for the Children’s Tribunal System are:

Care	Connect
<p>Delivering our services in an environment that is supportive, trauma-informed and non-adversarial</p> <p>Ensuring our staff and Tribunal Members are valued and supported</p>	<p>Increasing participation and engagement of children and young people</p> <p>Nurturing our relationships with children, young people and their families, our partners, the community and the environment</p>
Collaborate	Change
<p>Working effectively with our partners to improve outcomes for children and young people and ensure they get the right help at the right time</p> <p>Share information and data to inform understanding and raise awareness of the roles of the Tribunal and Convenor and the issues faced by children</p>	<p>Continue to develop effective services in imaginative and innovative ways</p> <p>Increase our use of technology</p>

Presented below is our activity and progress on these strategic aims during 2021

Care

- We scoped work to develop a handbook for Tribunal Members to support their practice
- We developed a Practice Direction on completion of the Tribunal statutory forms and records of proceedings
- We commenced the development of an operational handbook to support consistency of administrative processes
- We provided support and input to the Pre-service Training for new Tribunal Members

Connect

- We developed a video of a Hearing of the Tribunal for training purposes
- Our Board Members met with the Committee for Health and Social Care
- We provided a presentation to the Rotary Club
- We developed our social media presence and posted regularly to provide information to the community about our services

Collaborate

- In partnership with the Islands Safeguarding Children Partnership we developed two further sessions for the Safeguarding Learning Network
- We provided input on the role of the Convenor and Tribunal to the Adoption and Fostering Panel
- We provided information and data to the review of Outcomes for Children and Young Persons
- We contributed to the audit of Harmful Sexual Behaviour undertaken by NSPCC on behalf of the Islands Safeguarding Children Partnership
- We contributed to a number of Rapid Reviews undertaken by the Islands Safeguarding Children Partnership and participated in a number of Partnership sub-groups

Change

- We worked with Resolution IT to develop and maximise our use of Office 365

Performance and targets 2021

The Children's Tribunal System had five key performance targets for 2021.

- The percentage of Convenor decisions made within within 50 working days exceeded the target of 70% with 83% of decisions made within this timescales. This reflects our focus on reducing delay and ensuring timely decisions are made. We continue to experience challenges receiving information to inform these decisions with only 51% of information and report requests received on time. This may reflect the additional resource pressures on partner agencies.
- The percentage of Tribunal Hearings that concluded within 90 minutes exceeded the target of 75% with 77% concluded within this timescale. This reflects our focus on ensuring that Hearings take no longer than is necessary to reach a conclusion. Hearings that take longer than 90 minutes tend to involve multiple children and often relate to complex circumstances or family dynamics.
- There were no appeals against the decision of a Hearing of the Tribunal during 2021 therefore our target of no appeals upheld due to procedural errors was met.
- 43% of children and young people aged 6 or over actively participated in one of more of the Hearings held during 2021 to consider their circumstances.
- We received no complaints from children, young people or their carers about our service during 2021.

As in previous years we were within our budgetary targets for 2021.

Summary of the data for 2021

Throughout the year we gather information to inform our practice and to share with our partners. Here is a summary of our data for 2021. Further information can be found in the Statistics section of the report.

167 children and young people referred to the Convenor

- There was a small increase in the total number of referrals received by the Convenor during 2021. Non-offence referrals increased by 56% and offence referrals decreased by 8%.

54 children referred on care and protection concerns

- Almost all of the non-offence referrals received (98%) included concerns about the care and protection being given to children and young people by their parents or carers. 78% of the children referred on non-offence reasons were aged five or older with just under half aged 12 or over.

15 years the most common age of referral

- The most common reason for referral to the Convenor was that the young person had committed an offence (75%). Traffic offences made up 31% of the total offence referrals received with 75% of these relating to young people who were under the age of 17.

207 reports requested by the Convenor

- 51% of the reports and information requested by the Convenor to inform decisions were received on time.

231 decisions made

- A final decision was made by or on behalf of the Convenor on 231 referrals. The Convenor referred 19% of these referrals to the Tribunal. This is an increase in the percentage referred in 2020 (14%). 83% of Convenor decisions were made within 50 working days (50% of the decisions made on care and protection concerns, 92% of the decisions made on behaviour related concerns and 57% of the decisions made on school attendance concerns).

70 Convenor Meetings held

- The grounds for referral were accepted by young people and their parents or carers in 94% of the cases considered at a Children's Convenor Meeting.

182 Hearings of the Tribunal held

- The number of Hearings of the Tribunal held in 2021 decreased by 27%. However the number of individual children attending Hearings remained consistent (around 100). The most common reason for referral to the Tribunal was because the child or young person was suffering or likely to suffer significant impairment to their health or development (62%).

13 Care Requirements made

- There was a decrease in both the number of children who were made subject to a care requirement in 2021 and those who were subject to a care requirement at the end of 2021.

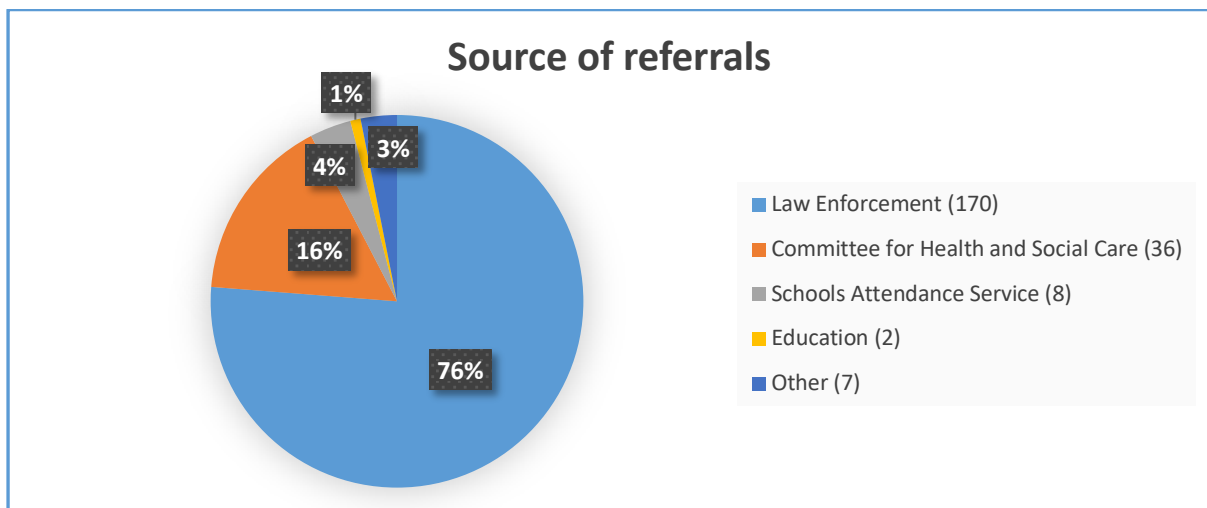
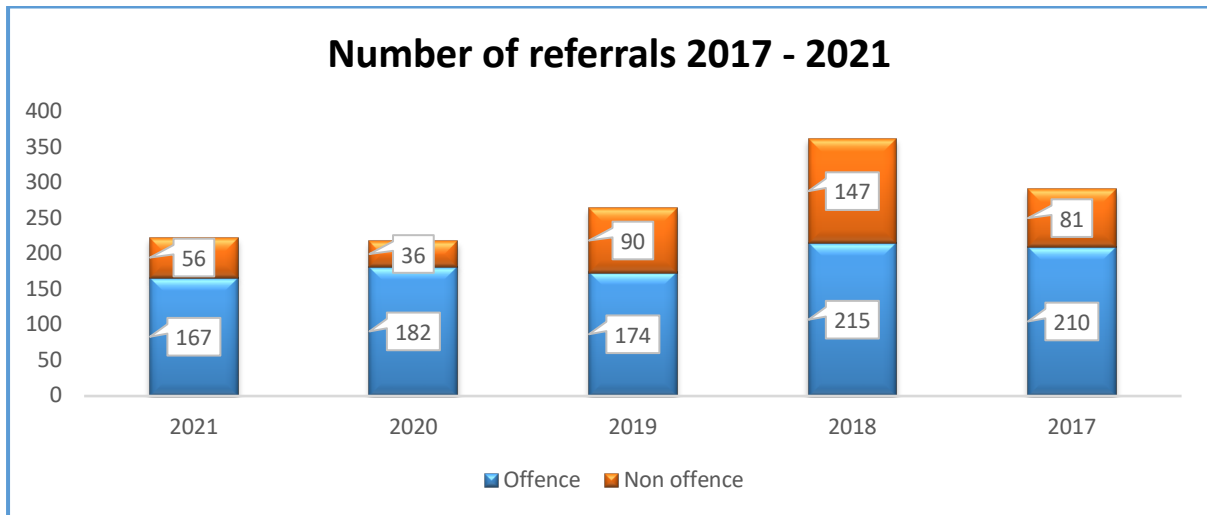
Statistics in 2021

This section of the report includes the key statistics for 2021.

Referrals & children and young people referred

Referrals received by the Convenor

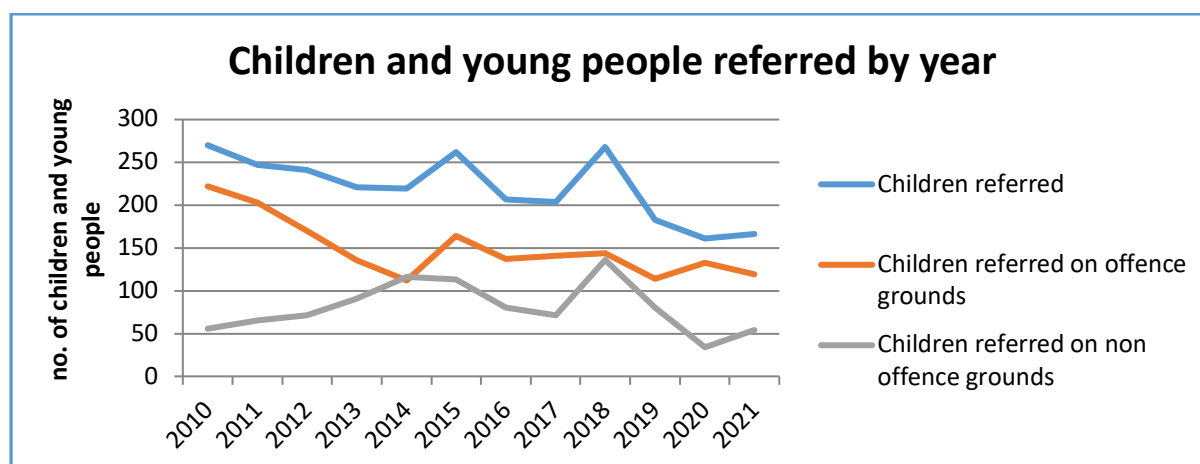
In 2021, 223 referrals were received by the Convenor; 167 offence related referrals and 56 non-offence referrals. Law Enforcement continued to be the main source of referrals comprising 76% of all referrals.



The referrals received in 2021 related to 167 individual children. Most children and young people were referred only once, with 5% referred three or more times. Some children were referred on both offence and non-offence grounds.

- 167 offence grounds (119 individual children)
- 56 non-offence grounds (54 individual children)

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



	Non-offence*		Offence*		All grounds*	
	F	M	F	M	F	M
F=Female M=Male						
No of children	26	28	27	92	53	120
Proportion by sex	48%	52%	23%	77%	31%	69%

*some children were referred on both offence and non-offence grounds

Types of Concern

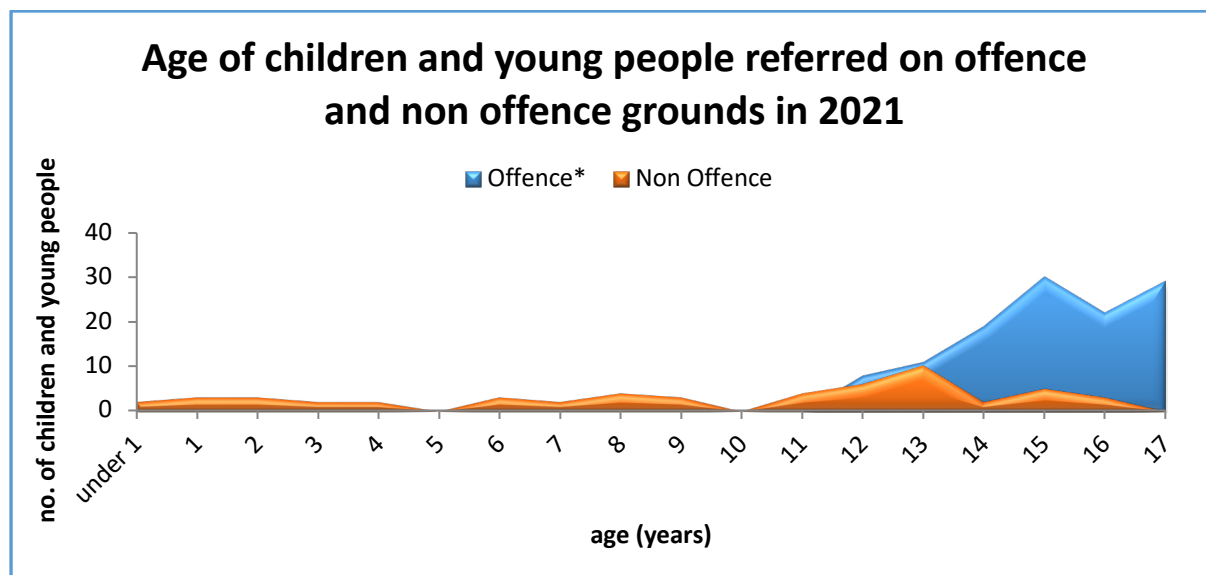
The grounds or reasons on which children can be referred to the Convenor are set out in section 35(2) of the Children (Guernsey and Alderney) Law, 2008 and are summarised in the chart below. These reflect the range of concerns identified by those referring children and young people to the Convenor. Some 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 119 young people were referred on this ground. 51 (31%) of the 167 offence referrals received related to traffic offences.

Reasons for referral	2021	2020	2019	2018	2017
(a) Significant impairment to health or development	46	29	67	126	54
(b) Physical or sexual abuse	8	6	22	22	7
(c) Misuse alcohol, drugs or volatile substance	1	2	2	6	5
(d) Exposed to moral danger	5	4	2	13	3
(e) Violent or destructive behaviour/beyond parental control	3	6	21	20	12
(f) Allegedly committed a criminal offence	167	182	174	215	210
(g) Failure to attend school without good reason	11	3	18	8	18

Age of children and young people referred

The most common age for children and young people to be referred on offence grounds was 15. The most common age of referral on non-offence grounds was 13.



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

Children's Convenor Decisions

During 2021, a final decision was made on 231 referrals received by the Convenor in 2021 or earlier. The chart below shows a breakdown of the decisions made. 19% 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 (231)
Arrange a Hearing of CYCT	45
No indication of a need for compulsory measures	26
Retained by or referred to HM Procureur	27
Refer to Committee <i>for</i> Health and Social Care	3
Refer to other Committee or Agency	1
No Hearing required as measures already in place	18
No Hearing required as child referred to CYCT for other reasons	10
Diversion to Road Traffic Awareness Programme	37
No Hearing required as action taken by family	4
Diversion to Restorative Justice	25
Convenor interview	28
Insufficient evidence to proceed	7

Children's Convenor Meetings

70 Children's Convenor Meetings were held during 2021

For the Convenor Meetings that concluded during 2021 the reasons for concern (grounds for referral) were accepted by the young person and their parents or carers in 94% of cases. 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 (100%).

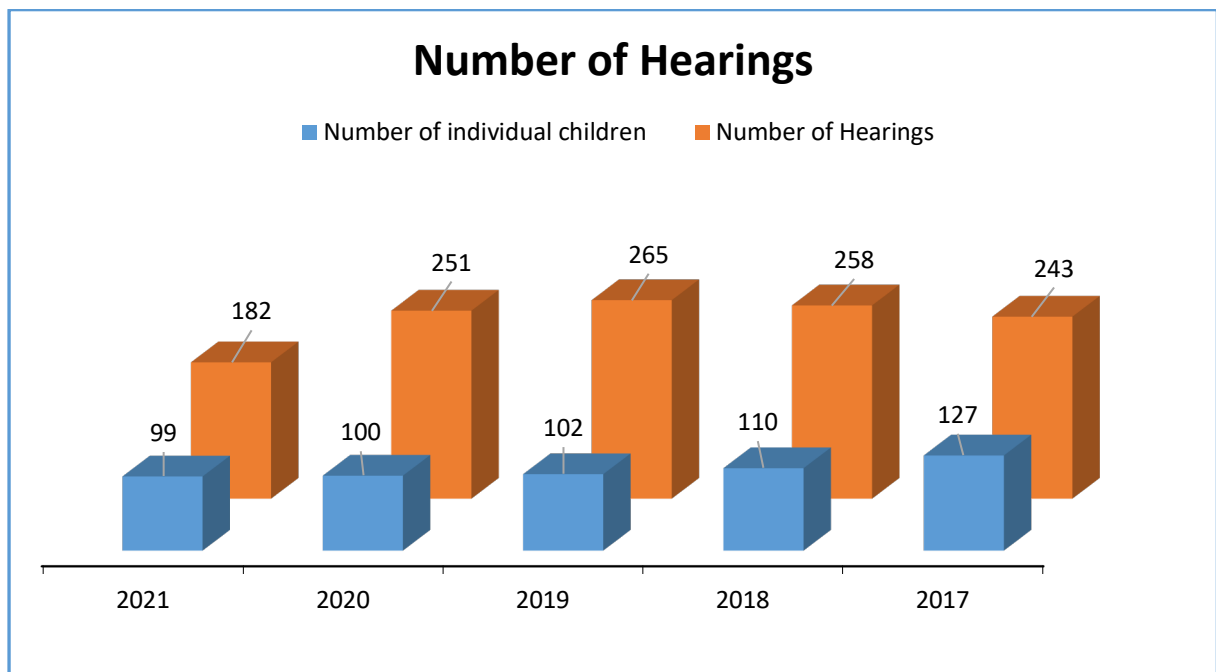
Applications to the Juvenile Court

Two applications made by the Convenor for a finding on disputed facts were concluded by the Juvenile Court in 2021. These applications related to two individual children. The conditions for referral were established by the Court in both applications. The average time taken to conclude these applications was 18 weeks.

Hearings of the Child, Youth & Community Tribunal

Number of Hearings

During 2021 there were 182 Hearings of the Tribunal held. These related to 99 individual children (some children appeared before the Tribunal more than once). Hearings took on average one hour and sixteen minutes to reach a decision during 2021 with 77% concluding within 90 minutes.

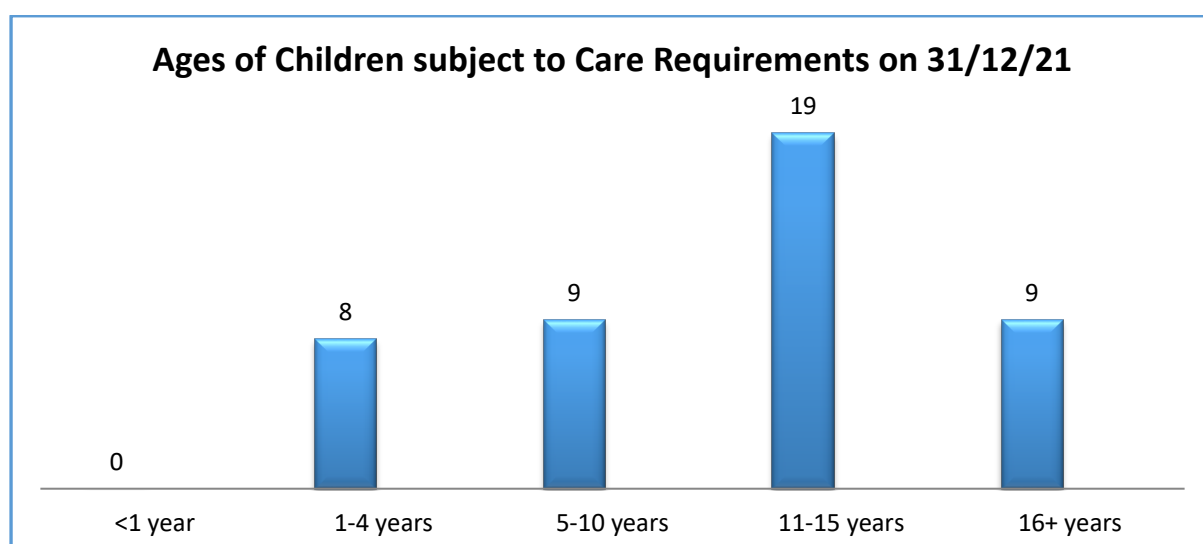
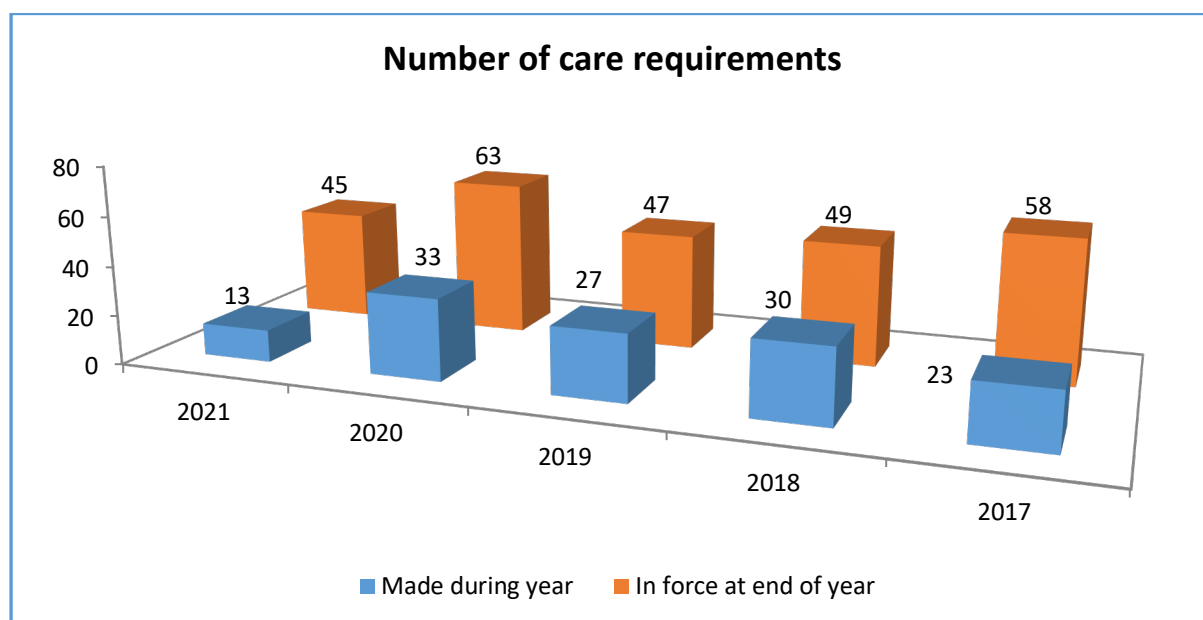


Outcomes

Hearing Decisions

A care requirement is the legal order that can be made by the Tribunal when it is considered that compulsory intervention is needed for a child or young person. In 2021, 13 care requirements were made. 45 children were subject to a care requirement at the end of 2021.

The average time from the Convenor's decision to refer the child to the Tribunal to the final decision of the Tribunal was 32 weeks with 42% concluding within 26 weeks.



Revocation of the care requirement

For 31 children the care requirement was removed or came to an end during 2021. It has not been possible to report whether the desired outcomes were met, partially met or not met for these children as the Committee for Health and Social Care no longer record this information within the Child's Plan.

Appeals

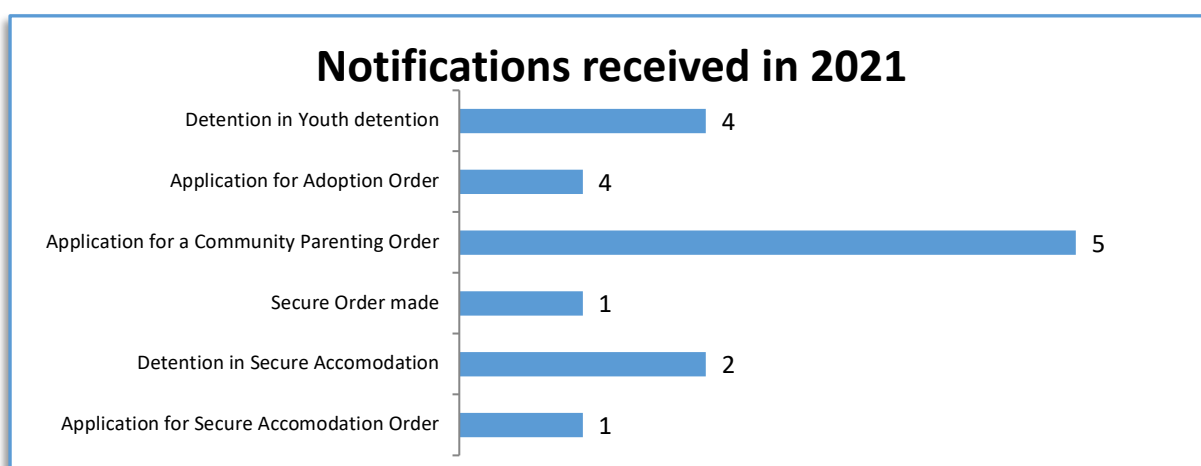
Children, their parents or carers and the Committee for Health and Social Care can appeal to the Juvenile Court against the decision of a Hearing of the Tribunal. In 2021, there was one appeal made against the decision of the Tribunal. This appeal was withdrawn by the appellant in 2022.

Rereferrals

Children are included in the rereferral count if they had a final decision made by the Convenor or Tribunal during 2020 on one or more referral and were subsequently rereferred to the Convenor within a period of 12 months of the date of the decision (referrals where there was insufficient evidence to support one or more condition for referral have not been included within the calculation). 172 children had a final decision made in 2020. Thirty two children were rereferred within a period of 12 months (19%). This rereferral count includes all categories of referral and therefore includes both offence and non offence related referrals.

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 2021, 12 notifications were received relating to 8 individual children.



Notifications 2010 - 2021

