

Convenor and Tribunal Board



Annual Report

1st January to
31st December
2016

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Introduction

In 2010, the Children (Guernsey and Alderney) Law 2008 (the 2008 Law), introduced the Child, Youth and Community Tribunal (CYCT), a new legal system to deal with concerns about children and young people.

The system comprises two distinct and independent parts



Both of these parts are supported by the Convenor and Tribunal Board (the Board). The Board sets the overall strategic direction for both services and monitors their performance. The Board is responsible for securing the resources required to enable the Children's Convenor and the CYCT to carry out their duties in accordance with the 2008 Law. The Board is also responsible for publishing the annual reports of the Children's Convenor and the President of the CYCT.

The principles underpinning the CYCT system are:

- Trained lay members of the local community with their understanding and experience of island life are ideally placed to make decisions about children and young people;
- Children who offend often have the same needs and backgrounds as children in need of care and protection;
- Children's needs and deeds must be tackled together if they are to be dealt with effectively;
- Children and their families can be active participants in finding the solutions to their problems.

The Members of the Board in 2016 were:

Mrs Gill Couch (Chair)	Mr Nigel Lewis
Mrs Janet Gaggs	Advocate Peter Atkinson
Mr Jon Beausire	Dr Beverley Workman
Mrs Jane St Pier	

Foreword

by Gill Couch,
Chair of the
Board

The Children's Convenor and Tribunal Board is pleased to present the Annual Report of the Children's Convenor and President of the Child, Youth and Community Tribunal (CYCT) for 2016.

In December 2016 the Board embarked upon an evaluation of its 3 Year Strategic Plan (2014 – 2016) and the identification of its priorities for the new plan for 2017-2020. The Board is pleased to report that the allocation of additional resources in 2015 enabled us to strengthen the efficiency and effectiveness of the service delivered to the islands' most vulnerable children and young people during the course of 2016. The new plan continues to emphasise listening and engaging with young people, ensuring proportionate and timely decision-making, early intervention and working in partnership with the wider CYCT community of stake holders. It includes a new and important priority of ensuring the island communities we serve understand and value the service we provide. This reflects the Board's growing perception throughout 2016 that our service is not as yet fully integrated into island life.

Last year, the Board noted that 2015 was dominated by our engagement with the Scrutiny Committee's review of the 2008 Law and our support for the majority of the recommendations made in the subsequent Marshall Report. We agreed with Professor Marshall's conclusion that implementation of parts of the Law were "unfinished business". We had anticipated that the report would provide a renewed impetus for professionals and politicians to complete the full implementation of the Law and to embed the practice required to support it. While the Board recognises the inevitable delay caused by the election and induction of new Deputies to the States of Deliberation we hope that the key Committees concerned will ensure that appropriate progress is made during 2017. We remain committed to working with our partners on this important work.

Our community based CYCT system sets us apart from many other jurisdictions in how we respond to concerns about children and young people. In view of its unique nature the most appropriate place for us to look to for comparisons is Scotland. Over the last ten years in Scotland referrals on care and protection concerns have outnumbered offence referrals by three to one with the most recent figures indicating that the gap has widened. While our communities will differ in size and structure from many of the communities in Scotland the fact that offence referrals still outnumber care and protection referrals in our low crime jurisdiction leads us to conclude that we have not yet reached one of our key outcomes of ensuring that the right children are referred at the right time. This objective will therefore continue into our strategic plan for 2017 and we will renew our focus with our partners to work to achieve this.

In April of this year I was delighted to welcome Mr Jon Beausire, former Chief Officer, The St John Ambulance and Rescue Service, to serve on the Board. Jon was one of the original members of the CYCT from 2009 until 2014 and has worked at a strategic level with Health and Social Services and the Home Department. He brings with him a wealth of experience to complement the knowledge and skills of existing members. I would like to thank all Board members for their commitment and dedication to the development of our service.

The Board wishes to recognise the exemplary leadership of the Children's Convenor and the hard work and commitment of her Deputy and her professional and administrative staff. The service also depends on the dedication, and experience of our voluntary Tribunal Members led by their President and his Deputy and we thank them for their continued loyalty and good service.

The Board is grateful to the Committee for Health and Social Care and other partners in Education, Law Enforcement and the legal profession for their support and look forward to continuing to work together to achieve the best outcomes for children and young people.

Gill Couch
Chair of the Board

How the CYCT System works

Referral

Incident

An incident occurs - for example, a child or young person's welfare may be at risk, they may have suffered abuse or their behaviour may be a cause for concern.

Referral to the Children's Convenor

Anyone can refer a child or young person to the Convenor when there may be a need to intervene on a compulsory basis.

Investigation

Children's Convenor Investigations

The Convenor will investigate the child or young person's case by requesting information about them and their circumstances. The level of information requested can vary significantly in each case. Depending on the nature of the concerns, the information required can include information on the child's attendance and behaviour at school, health and development, family background and involvement with other agencies. In some cases a comprehensive assessment of the child's circumstances is also required and information of an evidential nature.

Young people and their families are notified by the Convenor that a referral has been made and they can also provide the Convenor with information.

Decision

Children's Convenor Decisions

Once the information requested has been received, the Convenor will decide whether or not there may be a need for compulsory intervention. If there is, the child or young person is referred to a CYCT hearing.

If there is no need for compulsory intervention the Convenor can ask other agencies to provide voluntary advice and assistance. The Convenor can refer the child or young person's case to the Committee for Health and Social Care or any other agency for advice, guidance and assistance, or can decide that no formal action is required.

In many cases compulsory intervention is unnecessary as appropriate action has been taken to address the concern. In some cases agencies are already involved in supporting the family and the referral can be appropriately addressed by the existing arrangements.

Meeting

Convenor's Meeting

If the Convenor decides that a CYCT hearing is required, 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 sometimes referred to as grounds for referral or conditions of referral). 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.

Hearing

The Hearing of the CYCT

Each CYCT hearing comprises of three CYCT members who are all trained volunteers from the local community. The child or young person and their family or carers are central participants in the hearing. The Convenor records the decision of the hearing, but takes no part in the discussion and decision-making. The role of the Convenor is to ensure that the CYCT hearing is fair and lawful and to provide procedural advice.

Outcome

The CYCT hearing can make a legal order called a care requirement. This can include conditions relating to where the child shall live and who they will have contact with, depending on the needs of the child or young person.

The Committee for Health and Social Care has a legal obligation to implement the decisions made by the CYCT.

The CYCT may decide that a care requirement is not required and discharge the case.

The President's Annual Report

The President's Annual Report for 2016 to the Children's Convenor and Tribunal Board

This report covers the first year of my term of office as President of the Child Youth and Community Tribunal (CYCT), following on from my appointment to the position by the Royal Court in January 2016. At this time, I had already served as Deputy President of the CYCT throughout the first six years of its existence. It has been both an honour and a privilege to have been granted the opportunity to serve our Island community in this way.

In May 2016, the Children's Convenor and Tribunal Board (the Board) recommended Jane Betley for the vacant role of Deputy President of the CYCT, and this appointment was approved by the Royal Court. I am most grateful to Mrs. Betley for her willingness to stand as Deputy President. We have been colleagues and friends since we commenced our pre-service training in January 2009, and I'm confident that we can work well together in the best interests of the CYCT. Mrs. Betley is an invaluable CYCT member and an excellent chairperson who is well-respected by all who know her. She communicates clearly and concisely. I believe that she has all the attributes that are required in order to take appropriate action in the absence of the President, and I would trust her judgement implicitly. She cares deeply about the work of the CYCT and she is generous in the devotion of time to it. She is particularly interested in the issue of CYCT member support, and she has much to offer in this area.

In last year's Annual Report to the Board I stated that my main focus would be on supporting CYCT members to undertake what is undoubtedly one of the most challenging of the voluntary roles within the Bailiwick. In this regard, The Children (Miscellaneous Provisions) (Guernsey and Alderney) Ordinance, 2009 makes it clear that one of the principal functions of the President of the CYCT is:

'to prepare, develop, maintain, issue and implement, in consultation with the Board, procedures, guidance, policies and practices relating to the training of members and potential members of the Tribunal'

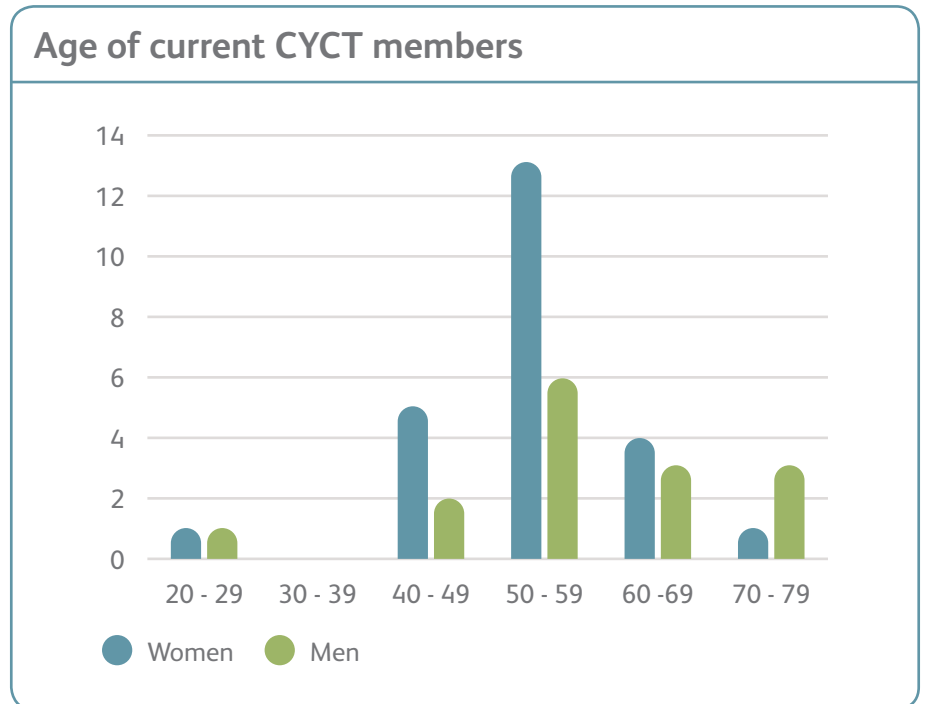
Throughout 2016 we have reviewed and updated our package of pre-service training to ensure that it remains stimulating and rigorous. We have also developed a sustainable programme of in-service training for our existing members. This has enabled us to commence the process of recruitment of potential new members, to develop the performance of current members (most particularly through chairperson training, practice in decision-making and in writing written reasons for decisions, and the introduction of a more rigorous approach to the monitoring of performance) and to sustain our membership at a viable level. Further, we are convinced that regular and effective in-service training will help us to provide meaningful member support, will facilitate communication, and will increase the opportunities for social interactions within our organisation.

Number of Child, Youth and Community Tribunal (CYCT) members

We started 2016 with forty one (41) members of the CYCT. Two members resigned during the course of 2016 and one took a break to complete work based studies.

The resignation rate for Tribunal members in Scotland is in the range of 20-25% a year. Based on our figures the resignation rate for CYCT members during 2016 was 5%.

At the end of 2016 we had 39 members of the CYCT. The breakdown of age and gender of these Tribunal members is represented in the chart below.



Monitoring of members

The performance of Tribunal members is monitored on an ongoing basis. Thirty three (33) individual hearings of the CYCT were monitored in 2016. All CYCT members were monitored at least once during the year.

Mandatory training

This was delivered in October 2016 by Dr Adrian Datta and covered the Attachment Theory and communication with children. Attendance was 75%.

Other training events

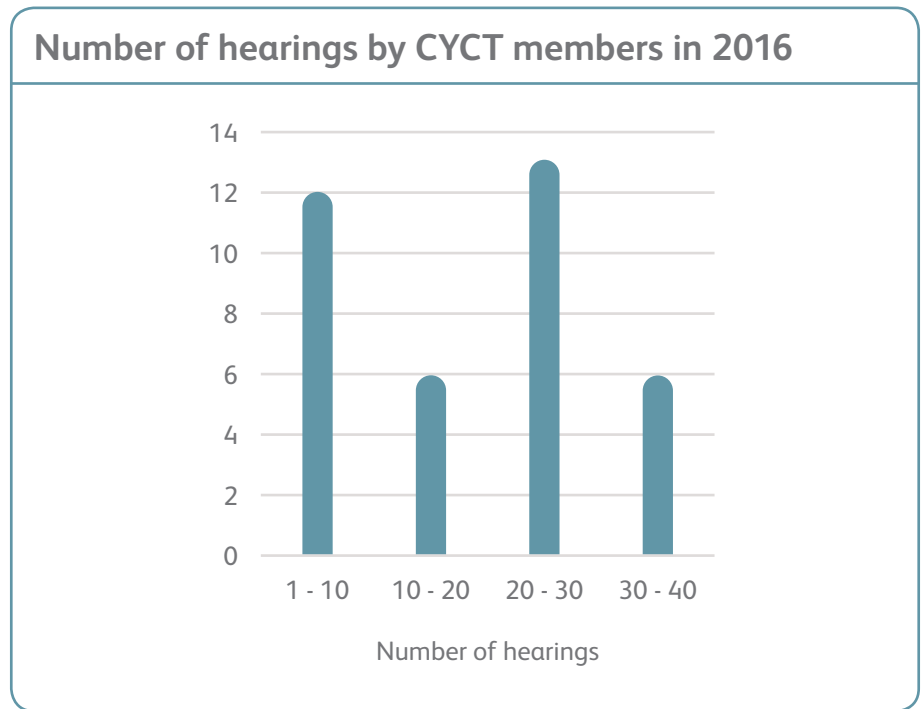
Information evenings were delivered to Tribunal members in 2016 by guest speakers from the School Attendance Service, the Youth Commission, CAMHS, MAPPA, Liberate and the Incredible Years. Some Tribunal members visited The Hub, attended a breakfast seminar on domestic violence and a course called The Decider. Members also attended training on decision-making and chairing a Tribunal.

Number of hearings held

During 2016 there were 258 sessions of the CYCT arranged to consider children's cases. Within these 258 sessions, hearings were held involving a total of 396 children (some children attended more than one hearing).

Number of hearings by CYCT members

As illustrated by the graph below, for those members who were active during all of 2016(41), the maximum number of hearings attended by a CYCT member was thirty eight (38) and the minimum was four (4). In terms of the number of hearings undertaken by each CYCT member, the graph confirms that throughout 2016, we have managed to achieve a more balanced overall picture than in previous years. Opportunities for members to sit on hearings have been more evenly distributed. It has proved possible to meet the demands on the system without requiring any individual member to sit on an average of more than approximately 3 hearings per month.



David Raines
President of the CYCT

Children's Convenor's Annual Report

The Children's Convenor's Annual Report to the Convenor and Tribunal Board for 2016

Children's Convenor's Statement

This report covers the period 1st January 2016 to 31st December 2016. 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.

2016 was another busy year for the service. We started the year with a full compliment of professional staff having successfully recruited Dean Slater, Aimie Clubb and Jenny Simpkin at the end of 2015. Dean, an English qualified lawyer, has considerable experience of working within the Children's Hearing system in Scotland. Aimie, a qualified and registered social worker, has worked as a practitioner and manager within social services in the Bailiwick for a number of years. Jenny has both legal and social work qualifications and has been working with us on secondment from Scotland since 2012. Dean, Aimie and Jenny bring a wealth of knowledge and experience to the team and have strengthened our resources considerably.

The police continue to be the main source of referrals to the Convenor. Although in practice most referrals are made by professionals from social care, health, education and law enforcement services anyone, including members of the public, can refer a child or young person to the Convenor. During 2016 we had an increase in the number of children referred by parents, carers and other individuals with around 8% of referrals coming from these sources. This is encouraging and perhaps indicates a growing awareness of our services within the community.

The most common reason for referral to the Convenor during 2016 was the alleged commission of an offence. The number of children referred on care and protection concerns remains low with the peak age for referral on these grounds rising. There is still clearly more work to be done to ensure that the threshold for referral to the Children's Convenor is understood and that the legal duty to refer is acted upon without delay whenever appropriate. During 2017 we will continue to work with our partners in Home, Education and Health and Social Care to develop further training and information for professionals to ensure that the right children and young people are referred at the right time.

During 2016 we embarked upon our first attempt at obtaining feedback on our services from children, young people and their families in conjunction with staff from the Hub. As a result of the feedback received we updated our waiting room facilities and we are continuing to listen to young people regarding their experiences of our services. Using this feedback we hope to develop new ways to help and support children and young people engage consistently and confidently in their hearings.

One of the statistics that the team are rightly proud of is the fact that 77% of the reasons for referral of children and young people to the CYCT were accepted by young people and their parents or carers. This avoided the need for the facts to be considered by the Court. This statistic reflects the thoughtful, considered and proportionate approach adopted by the Convenors when drafting the legal grounds for referral. It also demonstrates that one of the policy objectives for introduction of the CYCT system is being achieved i.e. a reduction in the burden on the courts and legal aid fund.

We have continued appropriate focus on the issue of avoidance of delay during 2016. The key performance target set for decisions made by the Convenors during 2016 was a challenging one with our aim being to reach the target of 80% of decisions made within 50 working days. Our performance data indicates that we exceeded this target for offence referrals. We did not however meet this target for non-offence referrals. One factor that has a significant impact on our performance in this regard is the time taken to receive the information required for decision making. Only half of all child's plans requested during 2016 were received within the agreed timescale of 35 working days. The child's plan is a key document for decision making by both the Children's Convenor and the CYCT. It contains a summary of the assessment of the child's needs; sets out the suggested plan of action to meet those needs; and provides a professional recommendation about whether or not compulsory intervention is required. During 2016 I shared my concerns regarding this performance data with the relevant agencies in order that we all remained focused on the avoidance of delay.

The nature of the work that we do is often challenging and complex. Many of the families that we see are confused, frustrated and desperately want their voices to be heard. Responding to this requires from our team commitment, patience and resilience. I am extremely lucky to have a team of staff who carry out their roles with care and compassion and a determination to make a difference to the lives of the children and young people referred. I wish to pay special thanks this year to James Ovenden, Deputy Children's Convenor who took over responsibility for the Convenor's functions during my absence at the end of the year.

Karen Brady
Children's Convenor

Summary of our activities during 2016

January

In conjunction with our colleagues from the police and the youth justice service we reviewed the operation of the Road Traffic Awareness Programme. We commenced a small scale survey of children and families attending hearings of the CYCT.

February

The Convenor visited Scotland to meet with representatives from the Children's Hearing System to learn about developments in Scotland and to explore options for pre-service training for Tribunal members. The Convenor, Deputy Convenor and Chair of the Board gave evidence at the Scrutiny Committee's public hearing on the implementation of the Children Law.

March

We reviewed our procedures for data sharing with the police. We set up a multi-agency group to review and update the documentation and guidance for the child's plan.

April

The Convenor and two of the Assistant Convenor's attended a three day training event in Guernsey entitled "Attachment and Psychopathology" delivered by Dr Patricia Crittenden. Along with colleagues from the youth justice team we provided training on the CYCT system and the child's plan to officers at Guernsey Prison.

May

As part of a team of trainers one of our Assistant Convenor's delivered training on the Team around the Child (TAC) and Lead Professional processes to professionals from a range of different agencies.

July

The Convenor visited Alderney to meet with the Chief Executive and Greffier to explore ways to raise awareness of the role of the Children's Convenor and CYCT within Alderney. Three members of the team attended the Serious Case Review workshop arranged by the Island's Safeguarding Children Partnership to consider how best to develop practice on the islands in light of the recommendations arising from local serious case reviews.

August

We met with colleagues from children's social care to map the interface between the child protection process, the TAC process and the CYCT process and to agree service expectations for children and young people involved in these.

September

The Convenor met with the Deputy Data Protection Commissioner to explore the implications of the E.U. General Data Protection Regulation that will come into force in 2018. We provided a response to the draft legislation to implement aspects of the tobacco strategy relating to young people.

October

Three members of the team attended the Island's Safeguarding Children Partnership conference looking at what works in promoting good outcomes for children living in families experiencing parental substance misuse, domestic abuse and mental ill health.

November

The Deputy Convenor met with the Alderney youth worker to explore developing links between the Office of the Children's Convenor and children and young people in Alderney. We commenced development of a new website to provide information on our services.

December

The Deputy Convenor joined a group of professionals to work on the development of a protocol regarding responding to young people sexting. The Deputy Convenor also attended a meeting of the Children's Executive (now the Children and Young People Plan Supervisory Group) to provide information on the role of the Children's Convenor and the CYCT.

What the data for 2016 tells us

Throughout the year we gather information to inform our practice and to share with our partners. Here is an outline of what our data tells us

- The most common reason for referral to the Convenor was that the young person had allegedly committed an offence (68 %).
- Traffic offences made up 42 % of the total offence referrals received with 51 % of these relating to young people who were aged 15 or 16 years.
- A final decision was made by or on behalf of the Convenor on 324 referrals.
- 69 % of Convenor decisions were made within 50 working days of receipt of the referral.
- The most common reason for referral to the CYCT by the Convenor was because the child or young person was suffering or likely to suffer significant impairment to their health or development (52 %).
- The grounds for referral were accepted by young people and their parents or carers in the majority of cases (77 %).
- 50 % of child's plans requested by the Convenor were received within 35 working days.
- The number of hearings of the CYCT held in 2016 was relatively similar to the number held in 2015.
- The number of children made subject to a care requirement decreased while just over half of the young people who were made the subject of a care requirement during 2016 were aged 11 and over (51 %).
- The majority of young people who were subject to a care requirement at 31st December 2016 were aged 11 and over (60 %).
- The most common reasons for removal of the care requirement were improvements made by the family (41 %).
- We received no complaints from children, young people and their carers about our services during 2016.

Our Statistics in 2016

This section of the report includes the number of children and young people referred to the Convenor; the reasons why children and young people are referred; the decisions made by the Convenor and the CYCT; and care requirements made. For further details on how the CYCT system works are set out on pages 6 and 7 of this report.

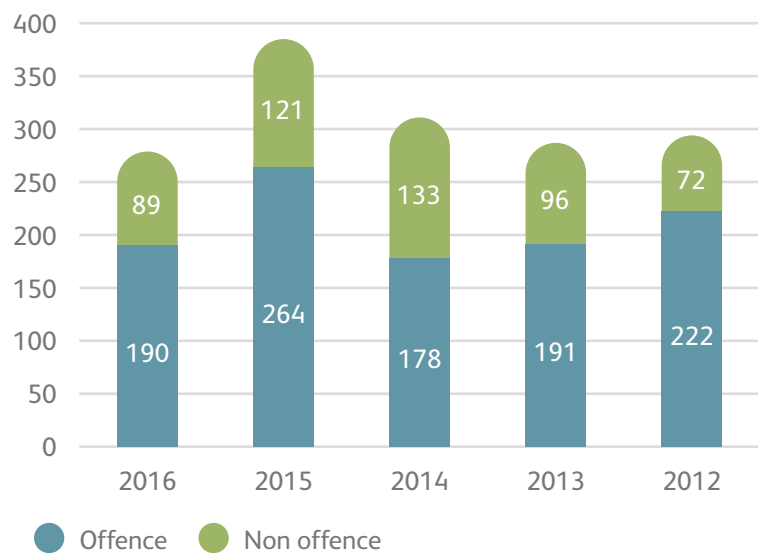
(All counts between 1 and 4 are replaced by "<5" to ensure the anonymity of the data)

Referrals and children and young people referred

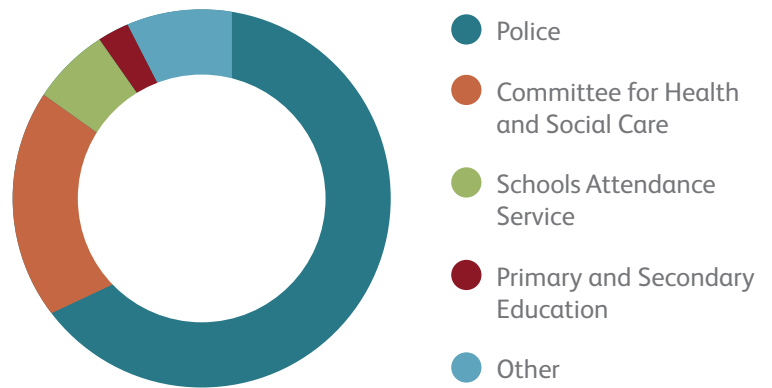
Referrals received by the Convenor

In 2016, 279 referrals were received by the Convenor; 190 offence related referrals and 89 non-offence referrals. The police were the main source of referrals comprising 70% of all referrals.

Number of referrals 2012 - 2016



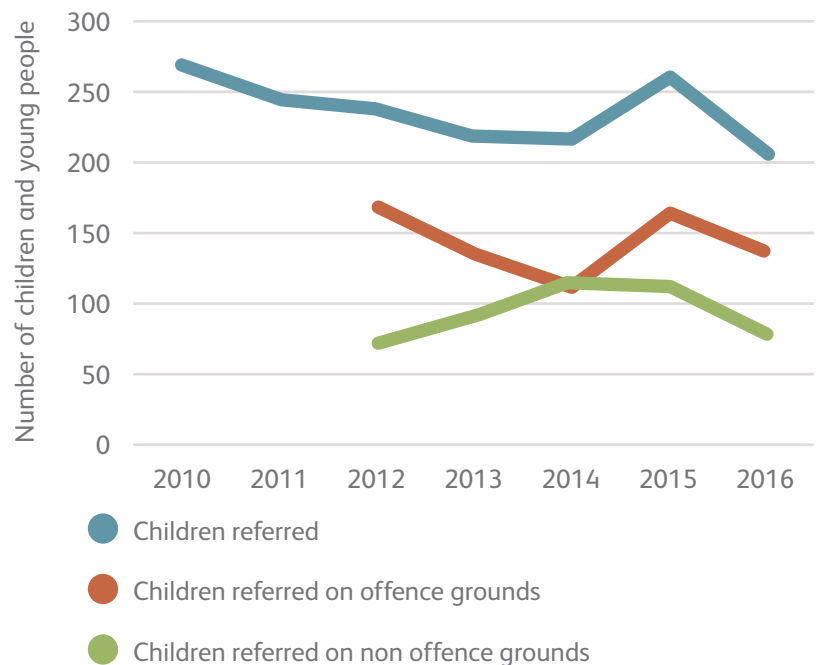
Source of referrals



The referrals received in 2016 related to 207 individual children. Most children and young people were referred only once, with 4.8% referred three or more times. Some children were referred on both offence and non-offence grounds.

- 190 offence grounds (137 individual children)
- 89 non-offence grounds (80 individual children)

Children and young people referred by year



*offence and non offence splits are unavailable prior to 2012.

Types of Concern

The grounds or reasons (“conditions for referral”) 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 is greater than the total number of referrals received.

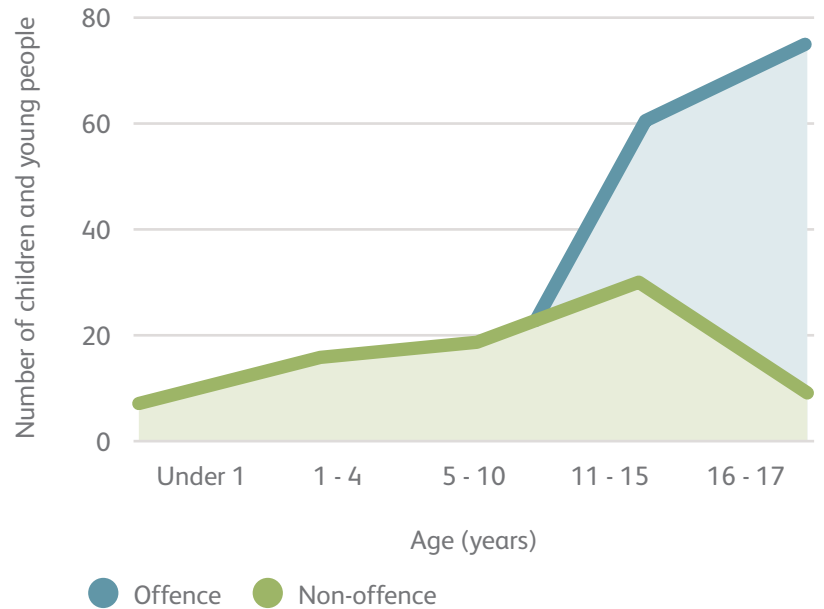
The most common ground for referral was that the young person had committed an offence. In total 137 young people were referred on this ground. 79 (42%) of the 190 offence referrals received related to traffic offences.

Reason for referral	2016	2015	2014	2013	2012
Significant impairment to health or development	72	81	89	59	39
Physical or sexual abuse	5	9	12	10	4
Misuse alcohol, drugs or volatile substance	2	3	2	2	5
Exposed to moral danger	2	4	2	2	0
Violent or destructive behaviour/beyond parental control	6	24	32	22	24
Allegedly committed a criminal offence	190	284	178	191	222
Failure to attend school without good reason	11	19	24	19	16

Age of children and young people referred

The majority of referrals received related to young people aged eleven and over. Sixteen and seventeen were the most common ages of referral for offence grounds.

Age of children and young people referred on offence and non-offence grounds in 2016



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

Children’s Convenor Decisions

During 2016 the final decision was made on 324 referrals received by the Convenor in 2016 or earlier. The chart below shows a breakdown of the decisions made. 19% were referred by the Convenor to the CYCT (35% of the decisions made on care and protection concerns, 10% of the decisions made on behaviour related concerns and 62% of the decisions made on school attendance concerns).

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

Breakdown of decisions made by the Convenor in 2016	Number of referrals (324)
Arrange a Hearing of CYCT	62
No indication of a need for compulsory measures	13
Retained by HM Procurer	65
Refer to C for HSC for voluntary intervention	26
Refer to other Agency for voluntary intervention	11
No Hearing as measures already in place	35
No Hearing - diversion to Road Traffic Awareness Programme	42
No Hearing - action taken by family or others	33
No Hearing - diversion to Restorative Justice	24
Convenor interview	7
Insufficient evidence to proceed	6

Children’s Convenor Meetings

59 of the referrals that the Convenor decided to refer to the CYCT in 2016 were considered at a Children’s Convenor meeting during 2016. 72 meetings were held relating to 51 individual children.

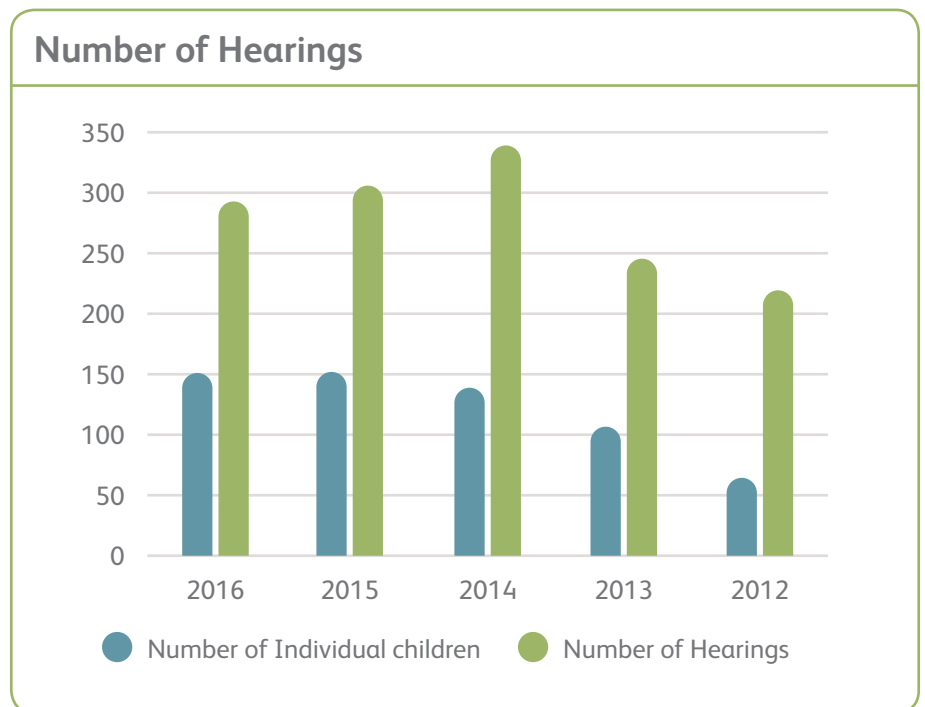
In a high majority of cases (77%) the reasons for concern (grounds for referral) were accepted by the young person and their parents or carers at the Children’s Convenor meeting. The most common reason for concern not accepted was that the child had, or was likely to suffer significant impairment to their health or development.

Applications to the Juvenile Court

During 2016, 10 applications made by the Convenor were considered by the Juvenile Court. These related to 14 individual children. Eight of the applications were concluded in 2016 and the reasons for concern were established by the Court in all 8 applications. The average time taken to conclude the 8 applications was 6 weeks, with 75% concluded within 8 weeks.

Hearings of the Child, Youth and Community Tribunal (CYCT)

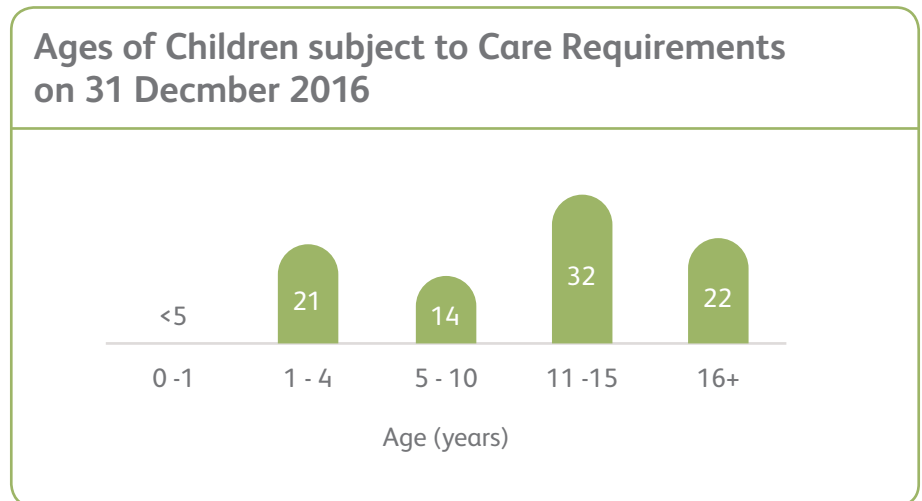
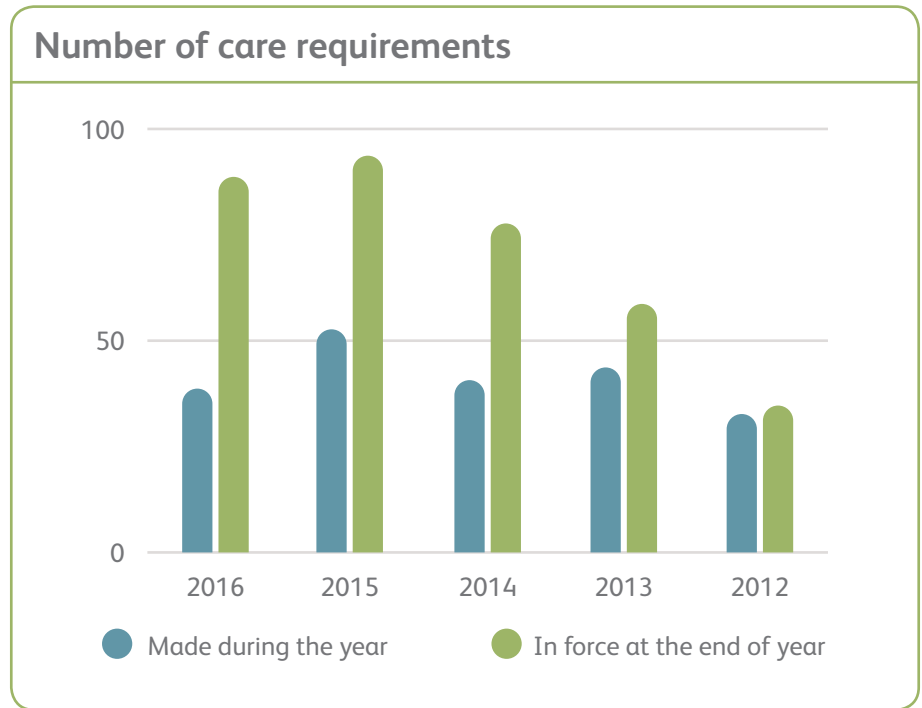
During 2016 there were 291 hearings of the CYCT held. These related to 150 individual children (some children appeared before the CYCT more than once).



Outcomes

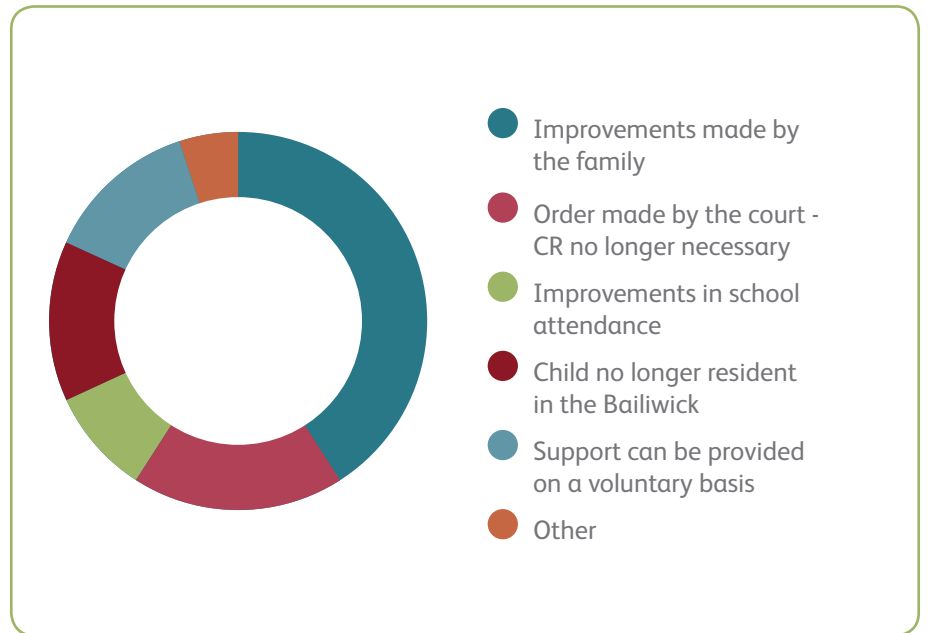
CYCT Hearing Decisions

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 2016, 39 care requirements were made. 89 children were subject to a care requirement at the end of 2016.



Reasons for revocation of the care requirement

The most common reason for removal of the care requirement was that improvements had been made by the family and therefore compulsory intervention was no longer necessary.

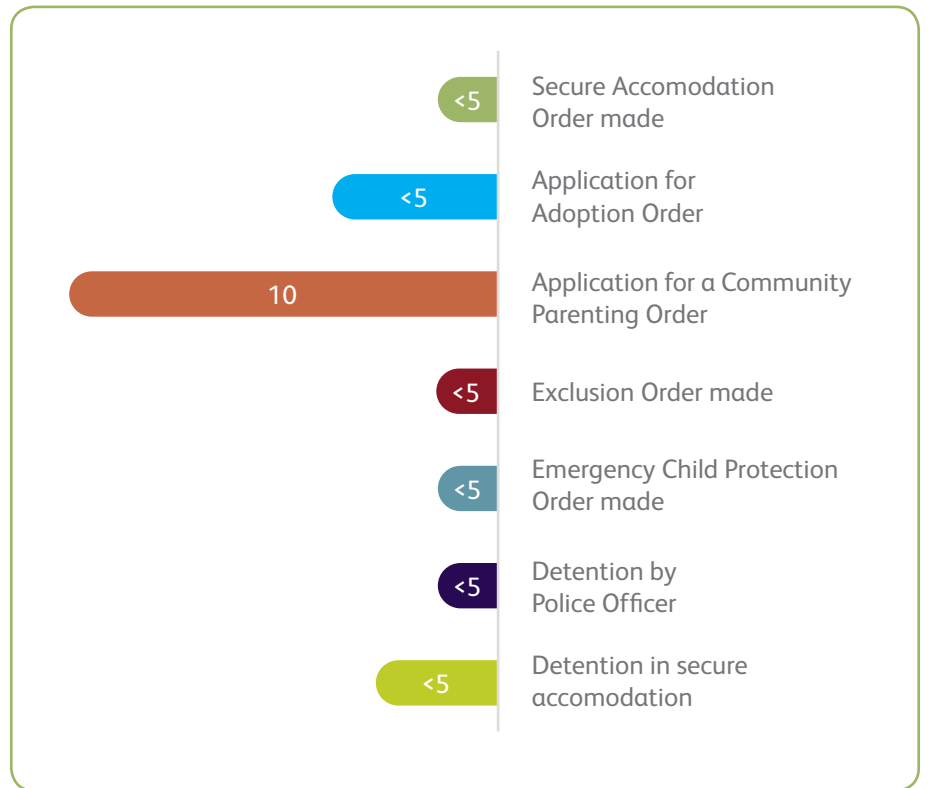


Appeals

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 CYCT. In 2016, there was one appeal against the decision of a hearing of the CYCT.

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 that must be notified to the Convenor. In 2016, 17 notifications were received relating to 19 individual children.



Karen Brady
Children's Convenor



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