

# Annual Report 2015



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This report covers the period from 1<sup>st</sup> January 2015 to 31<sup>st</sup> December 2015.

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# Introduction

In 2010, the Children (Guernsey and Alderney) Law, 2008 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;



and



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 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:

- The local community is in the best position to decide what should happen to children;
- 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 2015 were:**

Mrs Janet Gaggs (Chair)

Sir de Vic Carey (Deputy Chair) (Jan - May)

Mrs Gill Couch (Deputy Chair) (June – Dec)

Mrs Jane St Pier

Mr Nigel Lewis

Advocate Peter Atkinson (May- Dec)

Dr Maureen McGavigan (Jan- May)

Dr Beverley Workman (May- Dec)

## **Foreword by Gill Couch, Chair of the Board**

The Convenor and Tribunal Board is pleased to present the Annual Reports of the Children's Convenor and the President of the Child, Youth and Community Tribunal for 2015.

This Annual Report sees the continuing development of the CYCT system as we move further forward in realising the aspirations and policy intentions that lie behind the Children Law. Our key objectives remain; ensuring appropriate resources and an efficient, responsive and inclusive service; making proportionate, timely decisions that have a positive impact; ensuring the right children are referred at the right time, and; having child centered practice where children are involved and engaged in the process.

The increased demands on the service noted in 2014, and the subsequent allocation of additional resources in 2015, enabled the recruitment of staff at the end of 2015 to support the Children's Convenor. The Board looks forward with confidence to further strengthening the efficiency and effectiveness of the service delivered to the island's most vulnerable children and young people during the course of the next year.

The service cannot work in isolation and good progress has been made with building productive relationships with our partner agencies. We remain committed to informing, influencing and supporting systems and practice change within the children's services workforce.

2015 was dominated by the Scrutiny Committee's review of the Children Law. The Board chose to make written submissions and to give evidence at the Scrutiny Committee's public Hearing. The Board endorsed the majority of the recommendations in the Marshall Report and pending the final report from the Scrutiny Committee is committed to working with our partners to implement those recommendations.

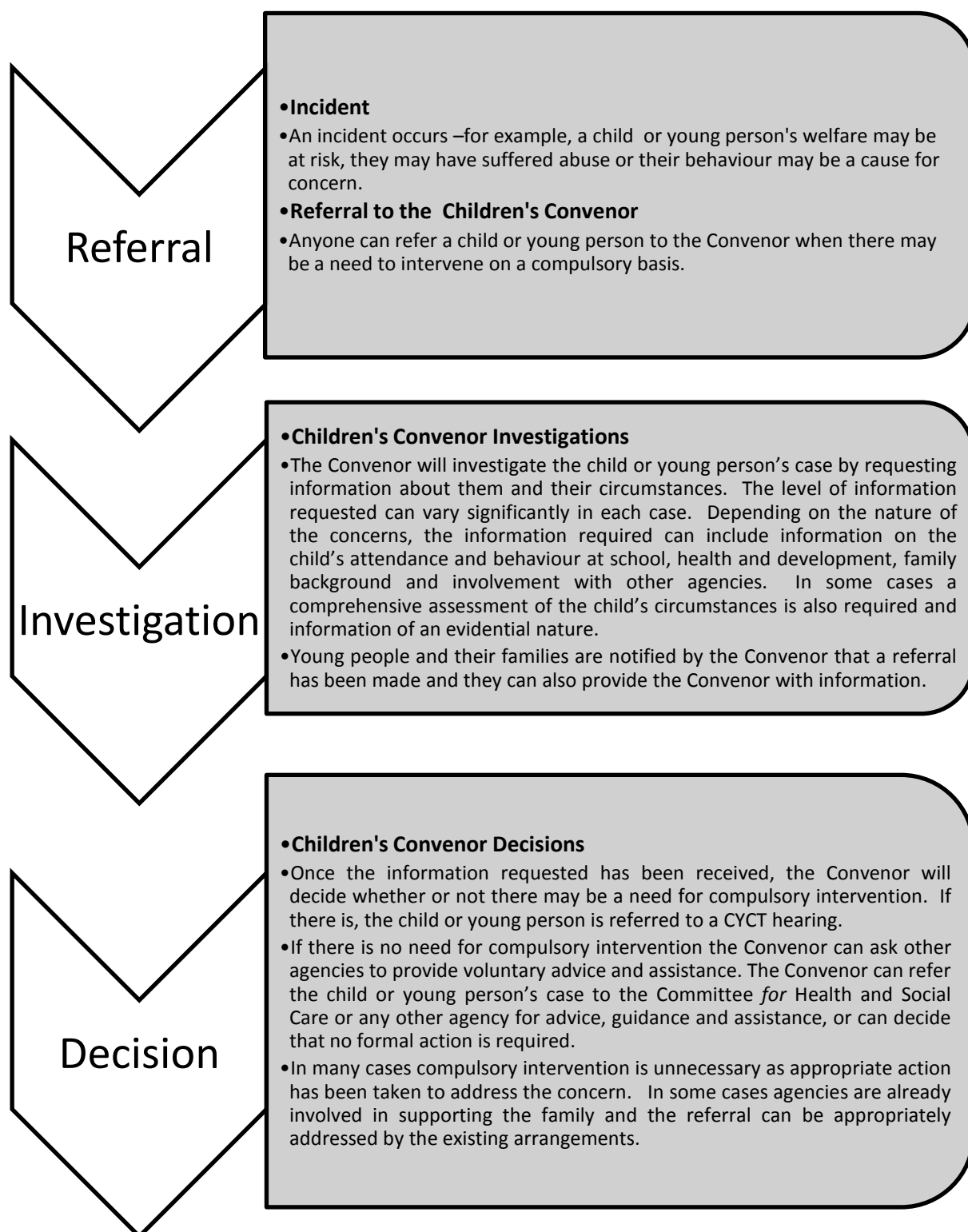
Significant preparatory work has taken place this year to lay firm foundations for the development of ways to listen to children and families and engage them fully in the CYCT process. Ensuring that children and young people are at the heart of all we do will remain a key focus for the coming year.

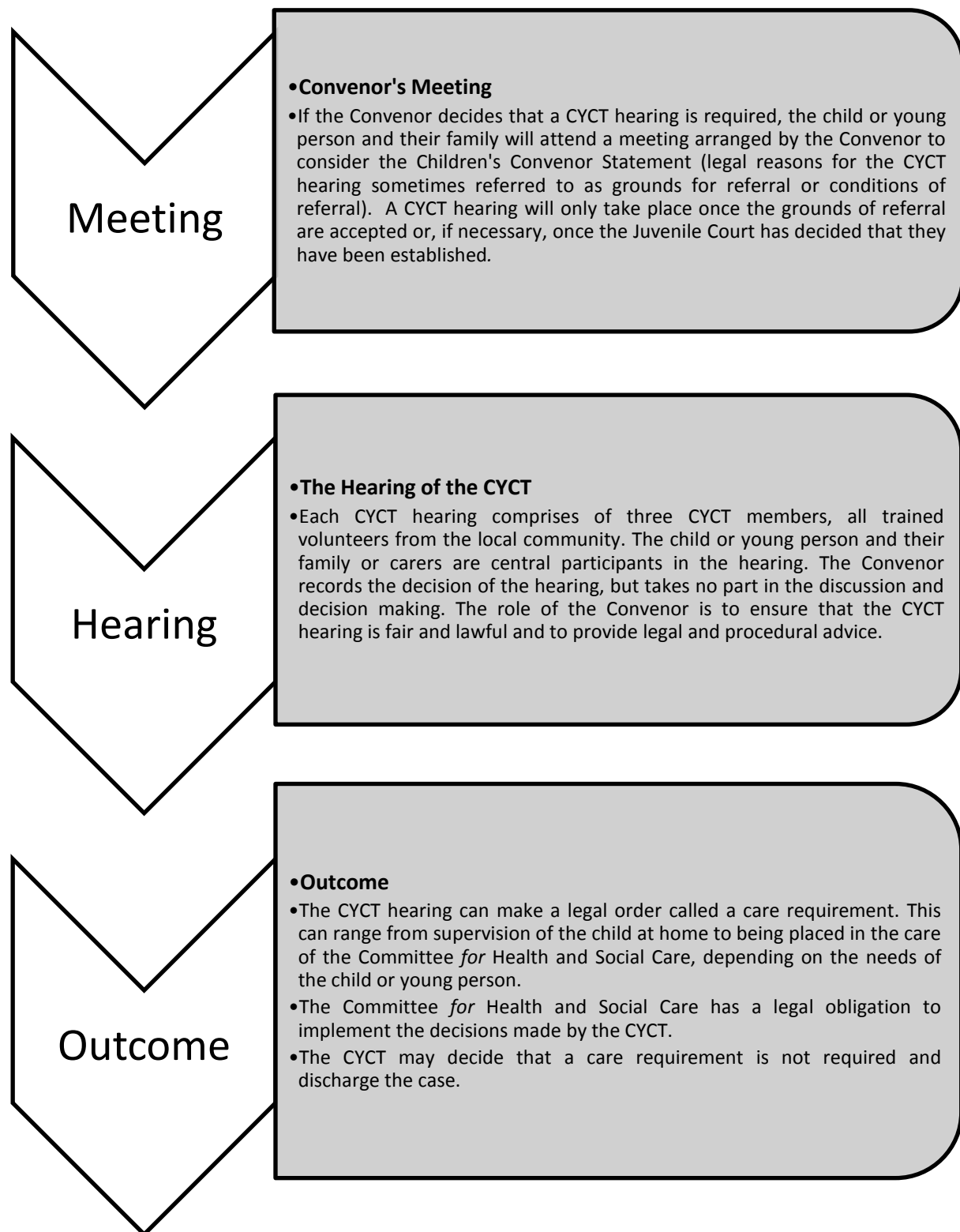
The Board is grateful to the previous Board of the Health and Social Services Department for their support and looks forward to continuing to work together in partnership with the new Committee *for* Health and Social Care to achieve the best outcomes for children.

The Board wishes to recognise the exemplary leadership of the Children's Convenor and the hard work and commitment of her team. The service also depends on the dedication, skills and experience of our voluntary CYCT members and the Board thanks them for their continued loyalty and good service.

During 2015 we had some significant changes to the Board. Sir de Vic Carey retired from the Board and Janet Gaggs stepped down as Chair having served a 6 year term in office. On behalf of the Board I would like to thank both of them for their considerable contribution to the development of the system. Without their vision, passion and commitment to the children and families of the Bailiwick many of the changes introduced by the Children Law would not have been possible.

## How the CYCT System works











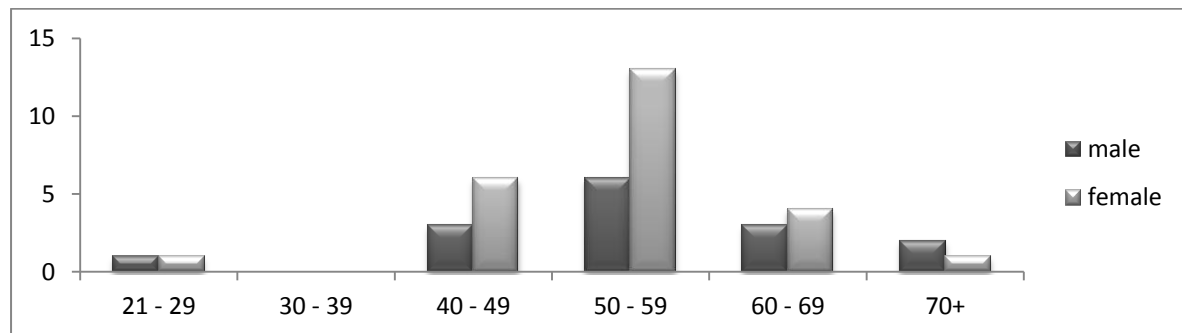
**Child Youth &  
Community Tribunal**

**The President's Annual Report to the  
Convenor and Tribunal Board for 2015**

## Number of members

We started 2015 with forty five (45) members of the Child, Youth and Community Tribunal (CYCT). Four members resigned during the course of 2015 and one took a break to complete work based studies. The resignation rate for CYCT members during 2015 was 8%.

At the end of 2015 we had 41 members of the CYCT. The breakdown of age and gender of these CYCT members is represented in the chart below.



## Monitoring of members

The performance of CYCT members is monitored on an ongoing basis. All but 3 CYCT members were monitored at least once during the year. All members received positive feedback.

## Mandatory training

Two sessions of mandatory training are delivered each year. At our training in February 2015 the topic was communication. Attendance was 75 %.

The training in October 2015 focused on understanding the legal obligations and underlying principles of hearing the voices of children; understanding the barriers to effective communication and reflecting on good practice. Attendance was 83 %.

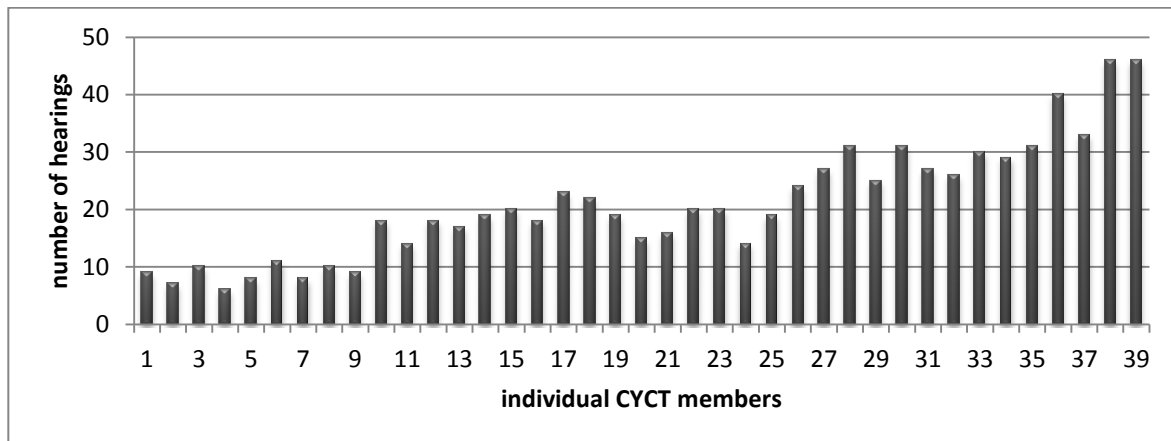
## Number of hearings held

During 2015 there were 268 sessions of the CYCT arranged to consider children's cases. This represents a 4% decrease from the number of sessions held in 2014 (279).

Within these 268 sessions, 304 hearings were held for 151 individual children. The number of hearings reduced by 10% however the number of individual children whose circumstances were considered by the CYCT during 2015 increased by 9%.

## Number of hearings by CYCT members

As illustrated by the graph below, for those members who were active during all of 2015 (39), the maximum number of hearings attended by a CYCT member was forty six (46) and the minimum was seven (7).



In response to feedback, we have continued to keep statistics on the length of hearings and the reasons for any delays in start time. During 2015, the average delay in start time was twelve (12) minutes with 60% of hearings commencing within ten (10) minutes of the scheduled start time.

The responsibility of managing how the hearing is conducted falls upon the person who has been allocated to chair the hearing. This can often be a complex and challenging task and one which requires the chairperson to keep a hearing on track. The length of time required for a hearing varies depending on the complexity of the issues to be discussed and the number of persons who are in attendance. Often, hearings that involve more than one child in a sibling group take longer to conclude as the circumstances of each child must be considered and discussed. Ideally a hearing will be completed in 90 minutes or less.

76% of hearings that took place in 2015 concluded within 90 minutes. There were a number of very complex cases in 2015 involving multiple sibling groups where the hearings lasted more than three (3) hours. During 2016, I will continue to monitor this and will report to the Convenor and Tribunal Board on a quarterly basis.

I am writing this report as the incoming President of the CYCT having been appointed in January 2016. I am therefore reviewing a period that was overseen by my predecessor, Richard Hamilton. I would like to take this opportunity to pay tribute to Richard's work over the last year and I look forward to continuing to work with him and the other CYCT members in developing the CYCT system in 2016.

In my term as President, my main focus will be on supporting CYCT members to undertake what is one of the most challenging voluntary roles in the Bailiwick. My responsibilities include managing the work of the CYCT and monitoring and developing the performance of CYCT

members. This involves overseeing the recruitment and training of new CYCT members and identifying the CYCT members for individual hearings. It is my intention to continue to be an active CYCT member, undertaking a limited number of hearings, if necessary. This will maximise my opportunities for direct contact with my fellow members, with the Convenor's Office and with the families and professionals who are involved with the CYCT.

I am continually impressed by the commitment and concern for children and young people that is demonstrated by our members. What takes place in the hearing room has the potential to significantly impact on the lives of some of the most vulnerable members of our community.

David Raines  
**President of the CYCT**



**The Children's Convenor's Annual Report  
to the  
Convenor & Tribunal Board  
for 2015**

## Children's Convenor's Statement

An Annual Report provides an opportunity to review and reflect. It helps us to identify learning that can inform how we do things in the future. The Office of the Children's Convenor sits at the heart of our legal system for compulsory intervention in the lives of children and families and responding to young people in conflict with the law. Our data and experience therefore plays an important role in informing the development of policy for children and young people within the Bailiwick.

This report covers the period 1<sup>st</sup> January 2015 to 31<sup>st</sup> December 2015. It summarises the achievements 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.

Our data for 2015 confirms a further busy year for the service with an increase in the number of referrals received. This increase was primarily as a result of an increase in referrals on offence grounds (young people who were referred to the Convenor because they have committed a criminal offence). This increase is against the trend of the last 5 years when we have seen referrals for offending reduce by 36%. While the peak age for referral on this ground continues to be young people aged 17 years, the majority of referrals received during 2015 were in relation to young people who were aged 14 and 15.

Traffic related offences continue to make up over one third of the offence referrals received. Over 60% of the young people aged 14 and 15 years who were referred on offence grounds were referred on a traffic related offence. There are many advantages in giving young people the right to hold a provisional driving licence to drive a moped from the age of 14 however they must also be given sufficient education on how to be safe, responsible and lawful road users.

A significant proportion of the offences referred in 2015 (42%) were committed by a small number of individuals (16%). Over half of these young people have also been referred to the Convenor as a result of care, protection or welfare concerns. This clearly demonstrates one of the underlying principles of the CYCT system; children who offend are often also children in need of care and protection.

Overall the data for 2015 relating to youth offending highlights the need to identify as early as possible those young people who are at risk of offending as a result of their early experiences or whose behaviour is a cause for concern. There is a need to have early and effective responses that address the individual qualities and circumstances of the young person and result in positive changes to their behaviour and wellbeing.

One of the outcomes that the Board has set for the Child, Youth and Community Tribunal (CYCT) system is "our work with partners ensures that the right children are referred at the right time and outcomes for children and young people involved in the CYCT system are improved". There is some indication that our partners are getting better at earlier identification of care and protection concerns<sup>1</sup> that may require compulsory intervention. The number of children referred

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<sup>1</sup> Conditions 35(2)a, 35(2)b and 35(2)d of the Children (Guernsey and Alderney) Law, 2008

for care and protection reasons reduced slightly during 2015, however the most common age of referral was under one year. 42% of the referrals received were for children aged 5 or under. I would expect that the ongoing development of the Multi Agency Support Hub (MASH) will assist with ensuring that the right children are referred at the right time.

Our performance for the year reflects the continuing resource challenges that the service faced for most of 2015. Although we did not meet all of the targets that we set we were able to improve on our performance despite the increase in referrals received. With the support of the Board we were successful in securing some additional resources to ensure that we are able to develop the service to meet the challenges now and in the future and to ensure that we continue to deliver a high quality service for children, young people and their families. Having recruited to some of our new posts at the end of 2015, we will be well placed going forward to meet the continuing demands. We start 2016 with a strong team from a mix of professional backgrounds representing both legal and social work knowledge and skills and a range of experience of working in Scotland, England and the Bailiwick.

The review in 2015 of the implementation of the Children Law<sup>2</sup> by the Scrutiny Committee provided an opportunity for us all to reflect on the progress that has been made since 2010 and to highlight the areas where further work and focus is required. I have welcomed the recommendations and the conclusions reached. I agree that the implementation of the Law is still “unfinished business” and note that this reflects some of the messages in previous Annual Reports. Much has been achieved, however there is a now a need to ensure that the momentum of 2015 is not lost and that we work together to take the action required to fully implement and embed the Law so that the aims of the policy intentions are fully realised for future generations to come.

During 2016 the Office of the Children's Convenor will continue to develop and learn from our experiences. We particularly want to improve the attendance of children and young people coming to a hearing of the CYCT. We will undertake a survey to explore the quality of their experience, the care and respect with which they are treated and the extent to which their views are listened to and taken into account by everyone involved with them throughout their experience of the Tribunal system.

Ensuring that the Bailiwick can have confidence in its distinctive child welfare system is the responsibility of all of us. We are at an important point in time and it needs all of us as practitioners, managers and policy makers to own, promote and develop its ethos and principles. We must all remain focused on implementing and embedding the Children Law so that we can see tangible improvements to the experiences of children, young people and their families.

Karen Brady  
Children's Convenor

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<sup>2</sup> The Children (Guernsey & Alderney) Law, 2008

## **Performance, Progress and Achievements in 2015**

Throughout the year my focus has been on delivering the outcomes and priorities outlined in the Business Plan for 2015. Here are some of our achievements, performance and progress.

- We successfully recruited to the substantive posts of Assistant Convenor.
- We further developed the performance measures for the service in line with the Strategic plan for 2014 – 2017.
- We provided a detailed data and evidence submission to the Scrutiny Committee on our experience and observations on the implementation of the Children (Guernsey and Alderney Law, 2008).
- We introduced a simplified version of the 'child's plan' for use within the CYCT system along with supporting guidance. This was well received by CYCT members and professionals.
- We carried out some research and prepared a report on the reasons for delay in decision making for children and their families within the CYCT system.
- We contributed to the development of the Children and Young People's Plan.
- We developed, in conjunction with Barnardo's, a participation project to obtain the views of children and young people on the CYCT system. This will commence in January 2016.
- We continued to meet with key representatives from partner agencies to ensure that the threshold for referral to the Convenor is understood. The Convenor has been a member of the Multi Agency Support Hub steering group where new ways of working together are being developed.
- Further guidance for partner agencies on referral to the Convenor was developed.
- 100% of our business plan actions were completed on time or are on track.
- 70% of decisions made by or on behalf of the Convenor were made within 50 working days of receipt of the referral. We did not meet the target that we set of 80% due in part to the lack of staff resources during 2015.
- There was one successful appeal against the decision of a hearing of the CYCT during 2015 as a result of a technical procedural error. This appeal led to changes to the procedures for a Convenor's meeting.
- No unidentified risks occurred during 2015. We were able to reduce a number of identified risks as a result of receiving funding for additional resources for the service.



## What the data for 2015 tells us

Throughout the year we gather information to inform our practice and to share with our partners. A summary of the Children's Convenor's Statistical Analysis Report follows however here is an outline of what our data tell us

- The number of referrals received during 2015 increased by 30%. The number of children referred also increased (20%). The number of children referred where the concern related to the alleged commission of a criminal offence (offence grounds) increased while the number of children referred for other reasons (non-offence grounds) decreased.
- The majority of the referrals received related to young people aged 11 or over (77%).
- The most common reason for referral to the Convenor was that the young person had committed an offence.
- Traffic offences made up 38% of the total offence referrals received with 58% of these relating to young people who were aged 14 or 15 years.
- A final decision was made by or on behalf of the Convenor on 377 referrals. 22% were referred to the CYCT; 54% of the care and protection concerns, 7% of the behaviour related concerns and 57% of the school attendance concerns.
- 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.
- The grounds for referral were accepted by young people and their parents or carers in the majority of cases (76%).
- 31% of child's plans requested by the Convenor were received within 35 working days.
- The number of hearings of the CYCT held in 2015 reduced by 10% while the number of individual children who attended a hearing in 2015 increased (9%).
- The number of children made subject to a care requirement rose by 29% while the majority of young people who were made the subject of a care requirement during 2015 continued to be aged 11 and over (59%).
- The majority of young people who were subject to a care requirement at 31<sup>st</sup> December 2015 were aged 11 and over (69%).
- The most common reasons for removal of the care requirement were improvements made by the family.

## Statistics for 2015

This section of the report contains a summary of the Children's Convener's Statistical Analysis Report for 2015. (For further details on how the CYCT system works see pages 6 and 7).

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

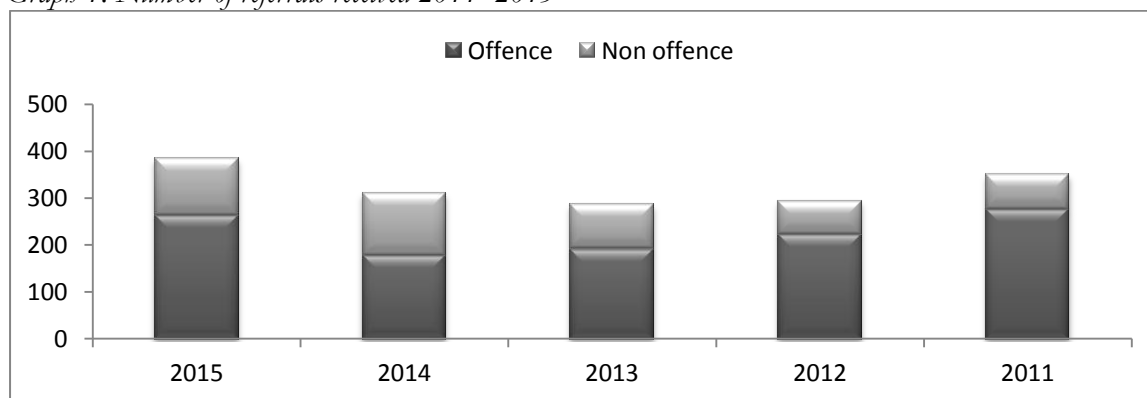
### Referrals

#### Referrals received by the Convener

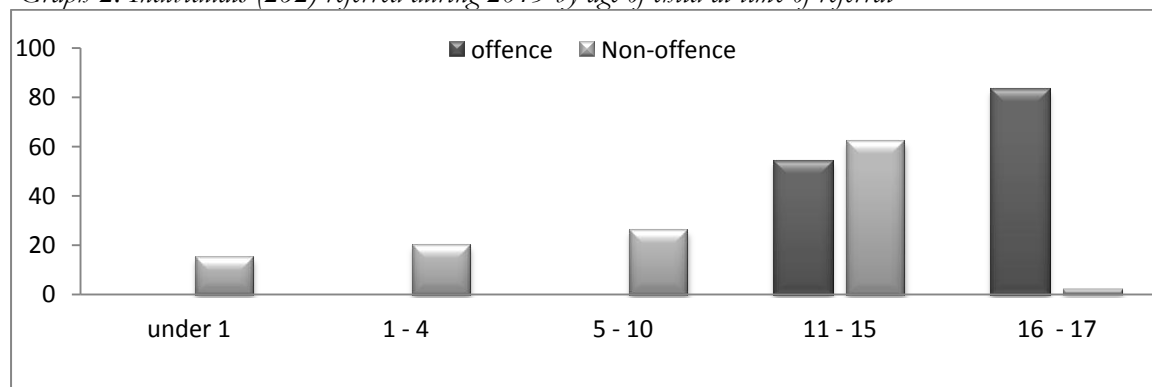
In 2015, 405 referrals were received by the Convener. These referrals related to 262 individual children. This represents just under 2% of all children and young people in the Bailiwick. Some children were referred on more than one occasion and some were referred on both offence<sup>3</sup> and non offence grounds.

- 284 offence grounds (164 individual children)
- 121 non-offence grounds (113 individual children)

*Graph 1: Number of referrals received 2011 -2015*



*Graph 2: Individuals (262) referred during 2015 by age of child at time of referral*



<sup>3</sup> Referrals under section 35(2)f of the Children (Guernsey and Alderney) Law 2008

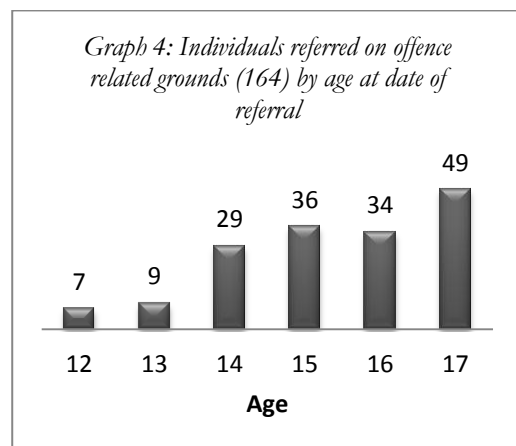
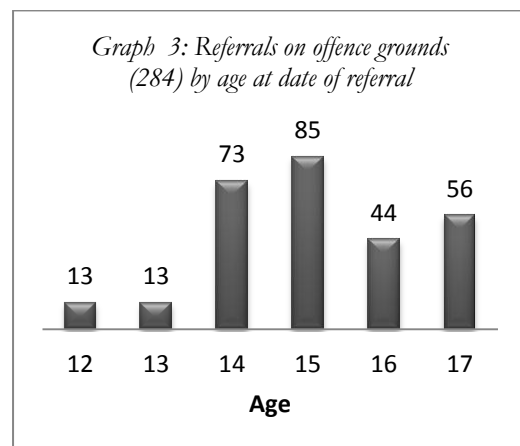
## Types of Concern

The grounds (“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 below in *Table 1*. 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 *Table 1* is greater than the total number of referrals received.

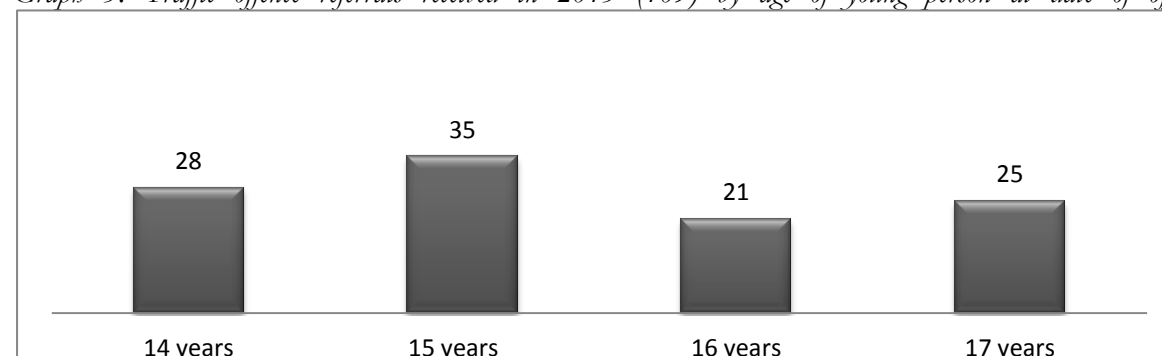
The most common ground for referral was that the young person had committed an offence. In total 164 young people were referred on this ground. 109 (38%) of the 284 offence referrals received related to traffic offences (*graph 5*).

*Table 1: Grounds for referrals from 2011 - 2015*

Reasons for referral	2015	2014	2013	2012	2011
(a) Significant impairment to health or development	81	89	59	39	45
(b) Physical or sexual abuse	9	12	10	<5	6
(c) Misuse of alcohol, drugs or volatile substance	<5	<5	<5	5	9
(d) Exposed to moral danger	<5	<5	<5	0	<5
(e) Violent or destructive behaviour or beyond parental control	24	32	22	24	19
(f) Committed a criminal offence	284	178	191	222	276
(g) Failure to attend school without good reason	19	24	19	16	21



*Graph 5: Traffic offence referrals received in 2015 (109) by age of young person at date of offence*



## Children's Convenor Decisions

During 2015 the final decision was made on 377 referrals received by the Convenor in 2015 or earlier. *Table 2* below shows a breakdown of the decisions made. 21% were referred by the Convenor to the CYCT (54% of the referrals made on care and protection concerns, 7% of the referrals made on behaviour related concerns and 57% of the referrals made on school attendance concerns). The most common reason for referral to the CYCT was on the grounds that the child or young person was suffering or likely to suffer significant impairment to their health of development.

*Table 2: Breakdown of decisions on referrals made by the Convenor in 2015*

<b>Convenor's Decisions made in 2015</b>	<b>Non-offence</b>	<b>Offence</b>	<b>Total</b>
Referred to Hearing of CYCT	60	18	<b>78</b>
Referred to HSSD or other agency for voluntary intervention	12	6	<b>18</b>
No Hearing as existing measures already in place	9	17	<b>26</b>
Referred to the Road Traffic Awareness Programme	0	41	<b>41</b>
No Hearing as other action taken by family or others	34	62	<b>96</b>
Retained by HM Procurer for prosecution or caution	0	105	<b>105</b>
Insufficient evidence to proceed	13	0	<b>13</b>

## Children's Convenor Meetings

72 of the referrals that the Convenor decided to refer to the CYCT in 2015 were considered at a Children's Convenor meeting during 2015. 92 meetings were held relating to 63 individual children.

*Table 3: Children's Convenor meetings held 2013 -2015*

	<b>2015</b>	<b>2014</b>	<b>2013</b>
Number of Children's Convenor Meetings	92	101	106
Number of children or young people	63	61	68

In a high majority of cases (76%) the reasons for concern (grounds for referral) were accepted by the young person and their parents or carers at the Convenor's 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 2015, 11 applications made by the Convenor were considered by the Juvenile Court. These related to 16 individual children. The reasons for concern were established by the Court in all 11 applications. The average time taken to conclude the 11 applications was 17 weeks, with 82% concluded with 25 weeks.

# Hearings of the Child, Youth & Community Tribunal (CYCT)

## Number of Hearings

During 2015 there were 304 hearings of the CYCT held. These related to 151 individual children (some children appeared before the CYCT more than once).

*Table 4: Hearings of the CYCT 2012 - 2015*

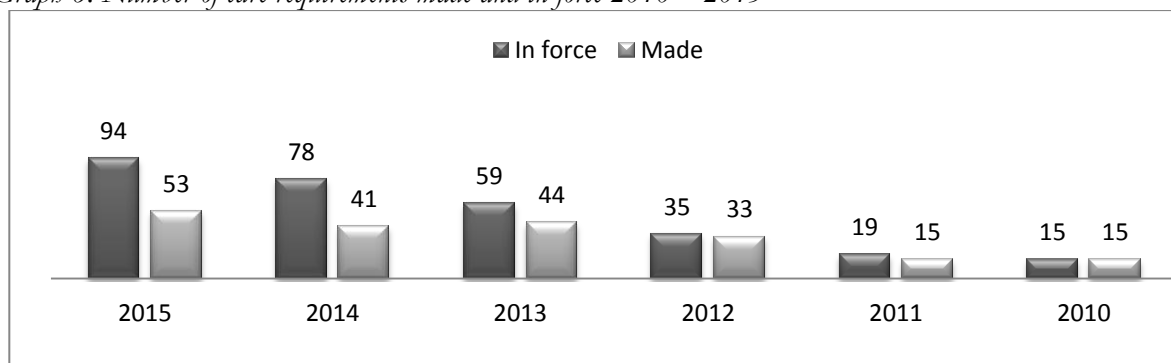
	2015	2014	2013	2012
Number of Hearings	304	337	244	218
Number of Individual Children	151	138	103	64

## Outcomes

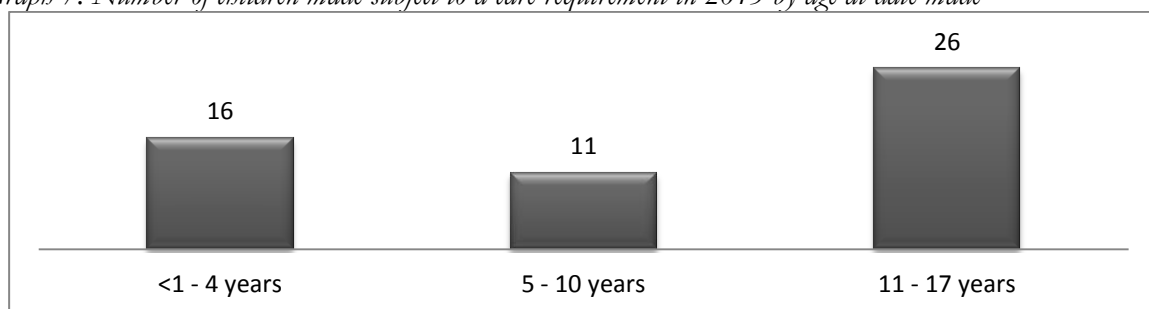
### CYCT Decisions on Referral and Remits

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 2015, 53 care requirements were made. 94 children were subject to a care requirement at the end of 2015.

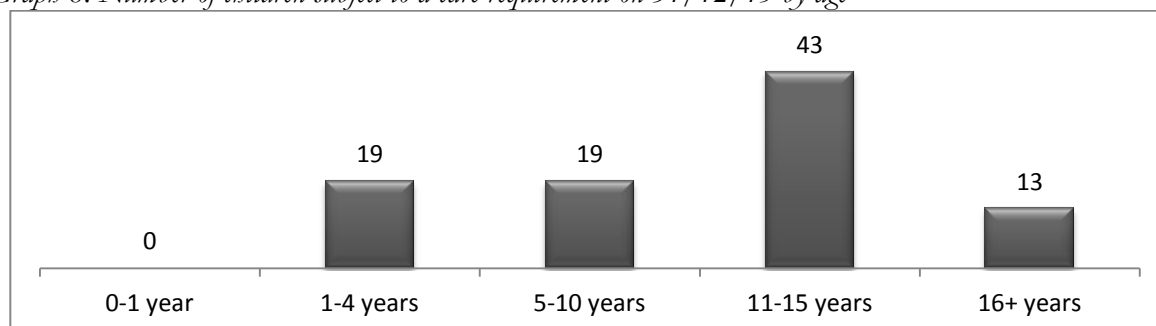
*Graph 6: Number of care requirements made and in force 2010 - 2015*



*Graph 7: Number of children made subject to a care requirement in 2015 by age at date made*



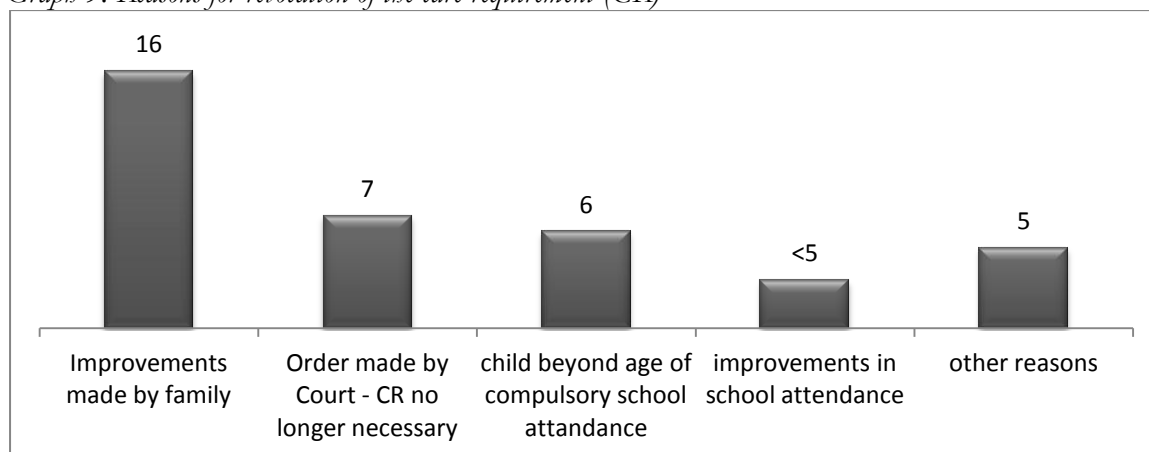
*Graph 8: Number of children subject to a care requirement on 31/12/15 by age*



## Reasons for revocation of the care requirement

The most common reason for revocation of the care requirement was improvements made by the family.

*Graph 9: Reasons for revocation of the care requirement (CR)*



## Appeals

Children and their parents or carers can appeal to the Juvenile Court against the decision of a hearing of the CYCT. In 2015, there were three appeals against the decision of the CYCT. One appeal was successful and two were withdrawn by the appellants.

## 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 2015, 15 notifications were received relating to 20 individual children.