Convenor and Tribunal Board



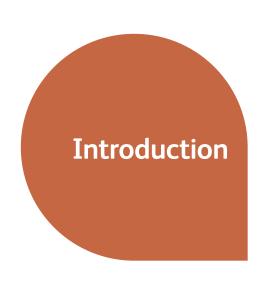
Annual Report

1st January to 31st December 2018

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

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

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

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

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

The Members of the Board in 2018 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 2018.

At the close of the year, in December 2018, representatives from all parts of the Child, Youth and Community Tribunal system gathered together to pay tribute to our out going President Dr David Raines. David was Deputy President from 2009 until 2015 and then President until 2018 and has given exceptional service to the CYCT since its inception. With other Presidents, David led the CYCT through a period of immense change - from its initial establishment through the many adaptations needed as we continue to learn and develop practice.

Change, then, has always been with us and 2018 was no exception.

Referrals to the Convenor increased dramatically in the area of care and protection, indicating significant progress on one of the strategic priorities we set in 2017.

An excellent response to our recruitment campaign showed the high level of interest and support the CYCT enjoys in the community. Successful candidates undertook a revised model of pre-service training built on the well proven accredited Scottish model and tailored to fit the Bailiwick by a team involving the professional and legal expertise of the Convenor's Office, the experience of the President and Deputy President and the crucial contribution of an education professional. As a result, adequate numbers of tribunal members are in place to meet the increasing demands on the service.

In-service training for existing tribunal members too, has dominated 2018, changing and strengthening our practice in hearings. A full review of the way in which future in-service training might be delivered, led by the President and his Deputy, was launched towards the end of the year and initial indications are that training will move away from a "one size fits all" model to a more individualised approach.

Within the Convenor's Office the opportunity arose to consider re-structuring existing management arrangements to further strengthen our ability to take forward our business and strategic plans. During 2019 the administrative team, who give such dedicated service, will be reviewed to ensure that we have the right support to maximise outcomes for the families we support.

And finally, there have been changes to the Convenor and Tribunal Board as well. Mrs Jane St Pier stood down at the end of her second term of office in November. Her support and advice have been very much appreciated by the Convenor and the Board.

The decisions taken in 2018 have set the stage for next year. We look forward to celebrating the tenth anniversary of the Children Law which brought the CYCT system into being. As part of the reflection and planning that such milestones engender we will continue to work with our partners to ensure the Law remains fit for purpose. It has already been reviewed by Professor Marshall who deemed it a good law and discussed by the Scrutiny Committee.

There is more work to do and we look forward to the results of the consultation currently being carried forward by HSC. We will re-consider the role of the President to ensure adequate support for the ever increasing workload this important role carries. We will build on changes to the structure of the Convenor's office to realise the Board's strategic aims and continue to ensure our tribunal members can access the highest quality in service training so that their practice delivers the best possible outcomes for the children, young people and families we serve.

Organisations like ours are about people. They are our most important resource. On behalf of the Board I thank the Convenor and her staff, the President, his Deputy and tribunal members and the tireless administrative team that supports them all for their dedication, commitment and sheer hard work throughout 2018.

Gill Couch Chair of Convenor and Tribunal Board

How the CYCT System works

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



The President's Annual Report to the Convenor & Tribunal Board for 2018

This report covers the period 1st January 2018 to 31st December 2018. It summarises the activities of the President of the CYCT during that period and presents statistical information about the membership of the CYCT.

Presidents Statement

This report covers the third, and final, year of my term of office as President of Guernsey's Child Youth and Community Tribunal (CYCT), having been appointed to the position by the Royal Court in January 2016. In practice, this represents my fourth report to the Children's Convenor and Tribunal Board since, as incoming President, I also wrote the Annual Report for 2015, reviewing a period that was overseen by my predecessor, Richard Hamilton.

From a personal perspective, the completion of this report is of particular importance, since it marks my final duty at the end of almost ten years of service to the CYCT, initially as the first Deputy President and, more recently, as President. Throughout my final year as President, I have continued to be especially grateful to Gill Couch (Chair of the Convenor & Tribunal Board), to Karen Brady (Children's Convenor) and to Jane Betley (Deputy President of the CYCT) for their wise counsel and unconditional support.

There has been a significant increase in the number of referrals to the Children's Convenor in recent months, and this has resulted in a marked increase in the number of cases considered by the CYCT. Throughout the second quarter of 2018 (April – June), the number of scheduled hearings which were cancelled because no case was allocated fell dramatically. Only 16% of the scheduled hearing sessions available in this quarter were not utilised.

The sustained focus on recruitment and initial training throughout 2017 and 2018 has been a considerable commitment for the CYCT President and Deputy President. We have been heavily involved in the selection process and in the planning, preparation and delivery of training for the most recent cohorts of recruits, attending almost all the pre-service training sessions. Additionally, we have helped with simulated hearings, and supported new members at their swearing in ceremonies at the Royal Court. In my opinion, the new members who have joined the team since September 2017 have strengthened the current CYCT membership significantly. The seven members appointed in September 2017 have successfully completed their first year of service and fulfilled the requirement for chair training. They will begin to chair hearings from January 2019. The recent focus on recruitment and initial training has also enabled us to scrutinise and up-date our approach to pre-service training. Feedback on the quality of the rigorous and comprehensive training and assessment package has been entirely positive and most complimentary.

In terms of our support for serving CYCT members, our in-service training sessions have continued to be focussed upon important procedural issues and matters of practice, most especially in relation to our approach to the preparation of written reasons for our decisions. In February 2018 we addressed some recent changes to current practice (e.g. duration of care requirement, appointment of Safeguarder, notification of decision of CYCT, etc). Tribunal members were first

encouraged to try to identify any issues or practice challenges arising from these changes. Subsequently we devoted time to familiarisation with recent changes to practice, before considering the application of a new decision-making checklist to the written reasons for decision in a fictitious case study. Finally, we provided the opportunity for reflection on best practice in pre-hearing planning meetings. As a consequence of our mandatory training sessions throughout 2018, we believe that we are in a strong position at present. We feel that this would be an appropriate time to reflect upon our approach to in-service training, both in terms of structure and content, and to look to the future with confidence. We would wish to ensure that our training continues to be both relevant and effective, especially when it is deemed to be mandatory.

I have been fortunate to have been involved with the work of the CYCT at a wide variety of levels since its inception. I have been determined to dedicate myself to the service, wholeheartedly and to the best of my ability. In the ten years since the commencement of the first session of pre-service training in 2008, I have embraced my commitment to the CYCT without reservation, grasping eagerly at every opportunity for active involvement and launching myself wholeheartedly into all aspects of the various roles that I have fulfilled within the organisation. This has been particularly the case since my retirement from full-time employment in 2013. Indeed, throughout the last five years, the CYCT has become the main focus of my efforts and energies, and it has been both a pleasure and a privilege to be able to serve the Island in this way.

The members of the CYCT are a unique and extraordinary group of people of a wide range of ages and drawn from diverse backgrounds. They bring together a wealth of talent, ability and experience. Most importantly, they are single-minded in their determination to make decisions, often difficult decisions, in the best interests of Guernsey's most vulnerable young people and their families.

David Raines
President of the CYCT

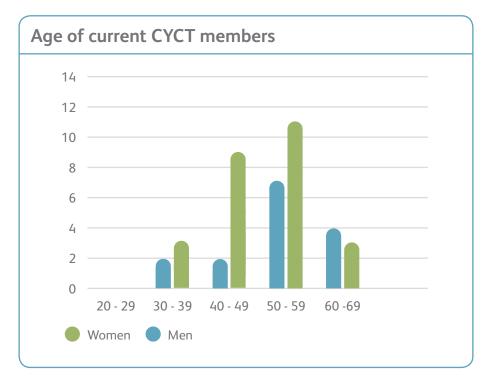
CYCT Statistics for 2018

Number of Child Youth and Community Tribunal (CYCT) members

We started 2018 with thirty-six (36) members of the CYCT. One member resigned during the course of 2018 and three were not re-appointed in December 2018 as they had reached the upper age limit for CYCT membership. Nine newly trained members of the CYCT were sworn at a sitting of the Royal Court in May 2018.

The resignation rate for CYCT members was less than 1% in 2018. (This compares favourably with Scotland where the resignation rate is in the range of 20-25% a year)

At the end of 2018 we had 41 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. Twenty-five (25) individual hearings of the CYCT were monitored in 2018. 98% of CYCT members were monitored at least once during the year.

Mandatory training

One session of mandatory training was delivered in 2018. In February the training reflected on the practice changes introduced in November 2017 and any issues arising from those changes. The sessions were led by the Children's Convenor Karen Brady and temporary Assistant Convenor, Laura McNeill.

Other training events

Laura McNeill also ran training sessions to prepare newer tribunal members to chair hearings. The training included familiarizing the members with the tasks of being a chairperson such as making introductions and managing the dynamics of a hearing. Role play was used to practice dealing with difficult situations.

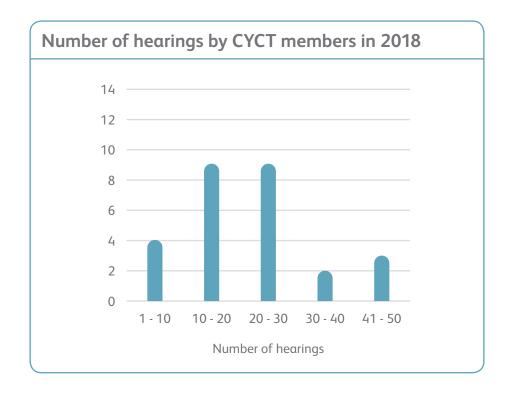
Two information evenings were delivered to tribunal members in 2018 by guest speakers from the Community Drug and Alcohol Team (CDAT) and the Sarnia Programme.

Number of hearings sessions held

During 2018 there were 231 hearing sessions of the CYCT arranged to consider children's cases. Within these 231 hearing sessions, 258 individual hearings were held relating to 110 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 2018 (26), the maximum number of hearings attended by a CYCT member was forty-eight (48) and the minimum was seven (7).



David Raines
President of the CYCT



The Children's Convenor's Annual Report to the Convenor and Tribunal Board for 2018

This report covers the period 1st January 2018 to 31st December 2018. It summarises the activities and performance of the Office of the Children's Convenor during that period and presents statistical information about children and young people referred and notified to the Children's Convenor.

Children's Convenor's Statement

A recurring theme in the foreword of my Annual Report over the last few years has been my concern that children and young people have not been referred to the Convenor early enough with the consequence that opportunities to intervene to provide support and supervision are missed. This concern has also been a feature in some of the recent case reviews commissioned by the Island's Safeguarding Children Partnership.

I have previously highlighted our work with key partners to address this concern and I am pleased to report that during 2018 we started to see some positive changes to the number and profile of referrals received by the Convenor.

As a result, 2018 was an extremely busy year for the Office of the Children's Convenor with workload increasing across all areas of our work. Looking at our statistics you will see that this increase was in large part due to the significant increase in the number of referrals received. While the number of children referred on behaviour related concerns remained fairly consistent, the number of non-offence referrals increased significantly. The majority (86%) of these non-offence referrals related to concerns about the care and protection being given to children and young people by their parents or carers.

Many of the referrals received in 2018 were complex cases involving multiple issues, allegations and concerns. Those who support me in delivering my legal functions work diligently and carefully to ensure that all evidence of concern is investigated fully and that those children and young people who may need the protection of the law are referred to the CYCT as quickly as possible. Being a small team, responding to significant changes in our workload can be challenging and I would like to thank them for their hard work, resilience and continuing commitment throughout the year.

With support from the Convenor and Tribunal Board during 2018, I reviewed and made changes to our operating structure to ensure that we can continue to meet the demands placed on us now and into the future. These changes will significantly strengthen our ability to respond to the increases in workload while enabling me to explore new opportunities to improve efficiency and effectiveness.

It is clear from some of the recent case reviews commissioned by the Island's Safeguarding Children Partnership that there is still a lack of understanding amongst some professionals about the role of the Convenor and a lack of appreciation of the value that the role can bring to safeguarding and promoting the welfare of children and young people. There are a number of reasons for this lack of understanding of the role, not least the high turnover within some of our key partner agencies with many of the professionals having previously trained

and worked in England where the role is not in place. A large part of my focus during 2019 will be to work with partners to address this to build on the progress made in 2018.

Advances in medical science over recent years has enabled us to learn more about the brain development of children and the impact of trauma on the developing brain. This body of knowledge tells us of the importance of the first 1001 days of a child's life and that the teenage brain is still developing in the areas that control reasoning and self-regulation. It is therefore more essential than ever that as a community we look after and support the health and wellbeing of parents and in turn assist them to provide adequate care, protection, guidance and control for their children when they experience adverse circumstances in their lives. This includes embracing and utilizing whenever appropriate, the legal measures that are available to challenge and support parents to help their children achieve their full potential and lead happy, healthy and productive lives.

Karen Brady Children's Convenor



The Primary Functions and Duties of the Children's Convenor

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



Summary of, developments and activities within the Office of the Children's Convenor during 2018

- We worked with our colleagues within Health and Social Care to develop a care and support framework that sets out the levels of service provision that children, young people and their families can expect when they need additional support in their lives including when they are subject to compulsory intervention.
- To support the Committee for Health and Social Care's review of the Children (Guernsey and Alderney) Law, 2008 we prepared a detailed note on our practical experience of operating under this law and related legislation.
- During the first half of the year the Deputy and Assistant Convenor's attended a number of the Guernsey Bar Study Series lectures delivered by the GTA in partnership with the Guernsey Bar to refresh knowledge on key areas of the law.
- In March we held a partnership event with the Family Proceedings Advisory Service. During this event we gained a shared understanding of the challenges faced in delivering our services. We identified some common practice issues and agreed to work towards developing a protocol between our services to establish expectations around appointment, communication and information exchange when safeguarders are appointed within the CYCT system.
- In May the Deputy Convenor and Assistant Convenors attended the Sarnia Programme familiarisation day to gain a better understanding of the programme design and how it operates to support individuals to address and change abusive behaviour.
- In August with support from the States of Guernsey Information
 Technology Services we started a review of our IT systems and processes
 to explore how technology could improve our efficiency and enhance the
 services that we provide to children and young people.
- In December the staff team participated in a planning day to develop a capacity plan to assist us to meet the changing demands on our service.
- In December the Convenor attend a meeting of the Children's Hearing Improvement Partnership led by the Scottish Government to share learning and experience with the partners involved in delivering the Scottish equivalent of the Convenor and CYCT system.
- A number of members of the team attended disability awareness training.

What the data for 2018 tells us

Summary of the data for 2018

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

- There was an increase in the overall number of referrals received during 2018. This was due to a significant increase in the number of non-offence referrals received.
- The majority (86%) of non-offence referrals related to concerns about the care and protection being given to children and young people by their parents or carers. Thirty nine percent (39%) of these related to children under the age of five.
- The most common reason for referral to the Convenor was that the young person had committed an offence (59%). Traffic offences made up 39% of the total offence referrals received with 58% of these relating to young people who were under the age of 17.
- A final decision was made by or on behalf of the Convenor on 357 referrals. The Convenor referred 18% of these referrals to the CYCT. This is a small increase in the percentage referred to the CYCT in 2017 (15%).
- 64% of Convenor decisions were made within 50 working days of receipt of the referral (55% of the decisions made on care and protection concerns, 68% of the decisions made on behaviour related concerns and 100% of the decisions made on school attendance concerns).
- The most common reason for referral of the child or young person 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 (88%).
- The grounds for referral were accepted by young people and their parents or carers in 58% of the cases considered at a Children's Convenor meeting.
- 67% of child's plans requested by the Convenor were received within 35 working days. This is an improvement from 50% in 2017.
- The number of hearings of the CYCT held in 2018 increased by 6%.
- The number of children made subject to a care requirement increased by 30% however the number of children who were the subject of a care requirement at the end of 2018 decreased. The number of children aged 11 and over who were subject to a care requirement at the end of 2018 also decreased.
- In 95% of the cases where the care requirement was revoked during 2018 the desired outcomes for the child or young person had been met or partially met.



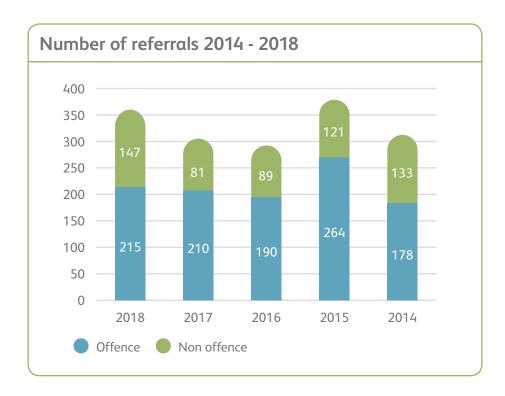
This section of the report includes the number of children and young people referred to the Convenor; the reasons why children and young people are referred; the decisions made by the Convenor and the CYCT; and care requirements made. Further details on how the CYCT system works are set out on page 6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

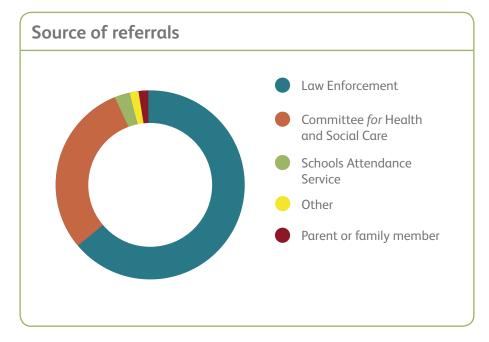
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Children and younger people

Referrals received by the Convenor

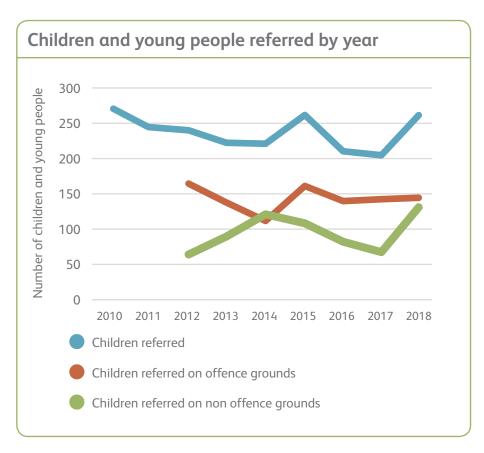
In 2018, 362 referrals were received by the Convenor; 215 offence related referrals and 147 non-offence referrals. Law Enforcement continued to be the main source of referrals comprising 61% of all referrals.





The referrals received in 2018 related to 268 individual children. Most children and young people were referred only once, with 7% referred three or more times. Some children were referred on both offence and non-offence grounds.

- 215 offence grounds (144 individual children)
- 147 non-offence grounds (136 individual children)



^{*}offence and non offence splits are unavailable prior to 2012.

Types of Concern

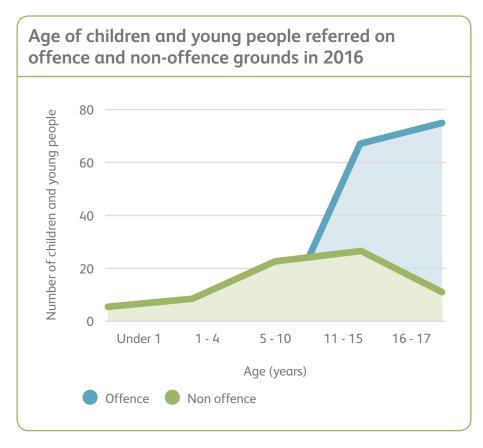
The grounds or reasons ("conditions for referral") on which children can be referred to the Convenor are set out in section 35(2) of the Children (Guernsey and Alderney) Law, 2008 and are summarised in the chart below. These reflect the range of concerns identified by those referring children and young people to the Convenor. Some children were referred on more than one ground hence the number of grounds for referral in the chart 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 144 young people were referred on this ground. 83 (39%) of the 215 offence referrals received related to traffic offences.

Reason for referral	2018	2017	2016	2015	2014
Significant impairment to health or development	126	54	72	81	89
Physical or sexual abuse	22	7	5	9	12
Misuse alcohol, drugs or volatile substance	6	5	< 5	<5	< 5
Exposed to moral danger	13	<5	< 5	4	< 5
Violent or destructive behaviour/beyond parental control	20	12	6	24	32
Allegedly committed a criminal offence	215	210	190	284	178
Failure to attend school without good reason	8	18	11	19	24

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.



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

Decisions made by the Children's Convenor

During 2018 a final decision was made on 357 referrals received by the Convenor in 2018 or earlier. The chart below shows a breakdown of the decisions made. 18% 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.

Breakdown of decisions made by the Convenor in 2017	Number of referrals (357)
Arrange a Hearing of CYCT	60
No indication of a need for compulsory measures	7
Referral to be dealt with by HM Procureur	81
Refer to Committee for Health and Social Care	20
Refer to other Committee or Agency	3
No Hearing required as measures already in place	50
Diversion to Road Traffic Awareness Programme	39
No Hearing required as action taken by family or others	32
Diversion to Restorative Justice	31
Convenor interview	11
Insufficient evidence to proceed	23

Children's Convenor Meetings

57 of the referrals that the Convenor decided to refer to the CYCT were considered at a Children's Convenor meeting during 2018. 87 meetings were held relating to 55 individual children. 14 of these referrals were still being considered at Convenor meetings at the end of 2018.

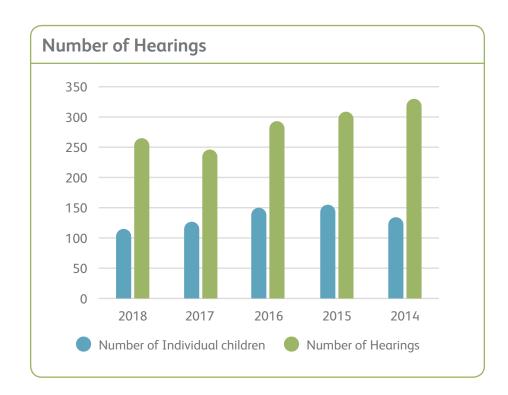
For the Convenor meetings that concluded during 2018, the reasons for concern were accepted by the young person and their parents or carers in 58% of cases. The most common reason for concern not accepted was that the child had, or was likely to suffer significant impairment to their health or development (88%).

Applications to the Juvenile Court

During 2018, 9 applications made by the Convenor were considered by the Juvenile Court. These related to 12 individual children. One application was withdrawn by the Convenor. The reasons for concern were established by the Court in the remaining 8 applications. The average time taken to conclude these applications was 11 weeks, with the longest taking 19 weeks to conclude.

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

During 2018 there were 258 hearings of the CYCT held. These related to 110 individual children (some children appeared before the CYCT more than once).

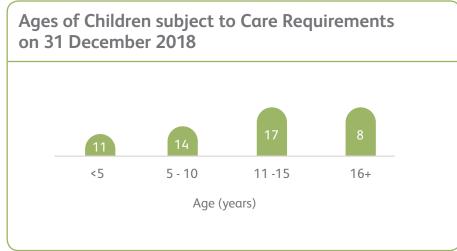


Outcomes

CYCT Hearing Decisions

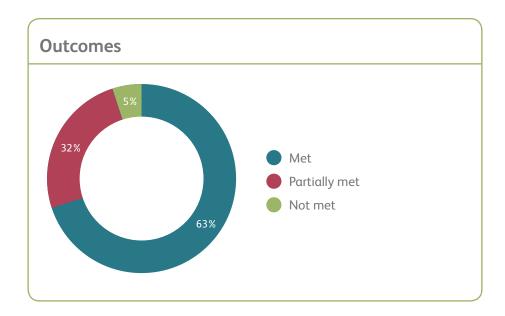
A care requirement is the legal order that can be made by the CYCT when it is considered that compulsory intervention is needed for a child or young person. In 2018, 30 care requirements were made. 50 children were subject to a care requirement at the end of 2018.





Reasons for revocation of the care requirement

For 38 children the care requirement was removed or came to an end during 2018. In the large majority of cases the desired outcomes for the child or young person were met or partially met 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 2018, there was one appeal made against the decision of a hearing of the CYCT and one appeal made against the decision of the Juvenile Court. Both appeals were subsequently withdrawn.

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 2018, 19 notifications were received relating to 17 individual children.







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