

GUERNSEY STATUTORY INSTRUMENT

2010 No. 20

**The Islands Child Protection Committee Regulations, 2010**

*Made* 26<sup>th</sup> January, 2010

*Coming into operation* 26<sup>th</sup> January, 2010

*Laid before the States* , 2010

THE HEALTH AND SOCIAL SERVICES DEPARTMENT in exercise of the powers conferred upon it by section 29 of the Children (Guernsey and Alderney) Law, 2008<sup>1</sup> and of all other powers enabling it in that behalf, hereby orders:-

**1. Membership**

a. The membership of the body established by section 29 of the Law, the Islands Child Protection Committee (the "Child Protection Committee") shall consist of the following persons:

- i. Senior representative(s) of the Health and Social Services Department
- ii. Senior representative(s) of the Education Department
- iii. Senior representative(s) of the Home Department
- iv. The Chief Officer of Police or his representative(s)
- v. Children's Convenor
- vi. A Medical Practitioner from primary care
- vii. The lead paediatrician for child protection
- viii. A senior representative of the States of Alderney

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<sup>1</sup> Order in Council No. XIV of 2009.

- ix. A senior representative of a voluntary agency working with children in Guernsey and/or Alderney.
  
- b. The Child Protection Committee may from time to time co-opt further members onto the Child Protection Committee or any sub-committees to assist in the discharge of its functions.
  
- c. Serving members of the States of Guernsey, the States of Alderney and members of the Boards of States Departments are not entitled to be members of the Child Protection Committee or any sub-committees.
  
- d. A Department or agency may only be permitted to send alternative representatives in exceptional circumstances, such as illness or when the named representative is off-island and not on a regular basis.
  
- e. The Child Protection Committee will have access to professional advice. Any professional advisor may attend the Child Protection Committee at the request of the chairperson but is not a decision making member.

## **2. Functions And Objectives**

- a. The Child Protection Committee's principal objective is set out in Section 29(3) of the Law.
  
- b. Without limiting the generality of the principal objective, the Child Protection Committee has the following functions:
  - i. the promotion of effective co-operation between all persons and agencies involved in safeguarding and promoting the welfare of the children of Guernsey and Alderney,
  
  - ii. the provision of inter-agency guidance to all persons and agencies involved in safeguarding and promoting the welfare of the children of Guernsey and Alderney,

- iii. communicating to persons and agencies in Guernsey and Alderney the need to safeguard and promote the welfare of children, raising their awareness of how this can best be done and encouraging them to do so,
  - iv. to consider undertaking reviews of serious cases in which abuse or neglect of a child is known or suspected; and either the child has died; or the child has been seriously harmed and there is cause for concern as to the way in which the Department, Child Protection Committee member agencies or other relevant persons have worked together to safeguard the child. Such reviews to be considered and undertaken in accordance with any current inter-agency guidance.
- c. The Child Protection Committee may issue a written constitution subject to that constitution being consistent with the principal objective and these regulations.

### **3. Chairperson of the Child Protection Committee**

- a. The Child Protection Committee shall be chaired by a person independent of the agencies represented on the Child Protection Committee, the 'Independent Chairperson'. The Independent Chairperson shall be appointed by the Department on the recommendation of the Chief Officers Child Protection Group.
- b. The Independent Chairperson so appointed shall hold office until the earliest of—
  - (i) the termination of his appointment by the Department acting on the recommendation of the Chief Officers Child Protection Group,
  - (ii) the third anniversary of his appointment, when he will be eligible for re-appointment,

(iii) any resignation under subparagraph (c),

- c. The Independent Chairperson may at any time resign his office as Independent Chairperson by giving notice in writing addressed to the Chief Officer of the Department.
- d. In the event of a vacancy in the post of Independent Chairperson, the Chief Officers Child Protection Group may appoint a member of the Child Protection Committee to fulfil those functions until an appointment is made.
- e. The Independent Chairperson will usually be expected to attend and account to the Chief Officers Child Protection Group as to the business of the Child Protection Committee.

#### **4. Frequency and timing of meetings**

- a. The Child Protection Committee shall meet as often as it considers necessary to properly carry out its functions but not less than four times a year.
- b. Once every year, the Child Protection Committee shall hold a special meeting at which it will approve an Annual Report and Business Plan for the coming year.
- c. The Annual Report and Business Plan are to be submitted to the Chief Officers Child Protection Group for approval not later than three weeks following the special meeting.
- d. The Chairperson and 2 members or any 3 members acting jointly may at any time summon an extraordinary meeting of the Child Protection Committee.

#### **5. Procedure at meetings**

At a Child Protection Committee meeting –

- (i) a majority of members forms a quorum,

- (ii) the person presiding shall be –  
the Independent Chairperson, if he is present,  
if the Independent Chairperson is not present, the person elected to  
chair the meeting by, and from among, the members,
- (iii) each member other than the person presiding has one vote, and a  
decision is carried by a simple majority, and
- (iv) the Independent Chairperson does not have an original vote but in  
the event of equality in the votes of members present, he shall  
exercise a casting vote.
- (v) if the meeting is chaired by a member other than the Independent  
Chairperson, the person presiding has an original vote, and in the  
event of equality in the votes of members present, he shall exercise  
a casting vote.

## **6. Records of meetings, etc**

- a. The person presiding shall ensure that records are made and kept of -  
each meeting (including action points agreed and resolutions made at the  
meeting), and
- b. The Independent Chairperson shall ensure that those records are circulated to  
members and the Chief Officers Child Protection Group in a timely manner.
- c. In the absence of proof to the contrary -
  - (i) a meeting is deemed to be duly convened where there is a quorum,
  - (ii) all members attending a meeting are deemed to be duly qualified to  
act, and
  - (iii) records that appear to be duly signed by the person presiding  
(unless subsequently amended and signed by the person presiding)  
shall be regarded as sufficient evidence of the matters stated in  
those records.

## **7. Sub-Committees**

- a. The Child Protection Committee shall establish such sub-committees as it considers necessary and appropriate to assist in the discharge of its functions.
- b. Membership and terms of reference of such sub-committees will be by agreement of the Chief Officers Child Protection Group although this may be on the recommendation of the Child Protection Committee. All sub-committees are accountable to the Child Protection Committee and will operate directly under the auspices of the Child Protection Committee.
- c. A written record of all meetings of sub-committees will be taken and distributed to members of the Child Protection Committee and made available on request to the Chief Officers Child Protection Group.

## **8. The Chief Officers Child Protection Group**

- a. There shall be established a Chief Officers Child Protection Group consisting of the following members:
  - (i) Chief Officer, Health and Social Services Department
  - (ii) Chief Officer, Education Department
  - (iii) Chief Officer, Home Department
- b. Members may only be permitted to send alternative representatives in exceptional circumstances, such as illness or when they are off-island and not on a regular basis.
- c. The Chief Officers Child Protection Group may be chaired by a person independent of the agencies represented on the Child Protection Committee ('Chairperson') and appointed by the members. In the absence of a

Chairperson, a person will be elected to chair the meeting by, and from among, the members.

- d. The Chief Officers Child Protection Group will have access to professional advice. Any professional advisor may attend the Chief Officers Child Protection Group at the request of that Group but is not a decision making member.
- e. The Chief Officers Child Protection Group shall meet as often as it considers necessary to properly carry out its functions but not less than three times a year.
- f. Once every year the Chief Officers Child Protection Group shall hold a meeting at which it will consider and approve an Annual Report and Business Plan for the Child Protection Committee for the coming year.
- g. The Chief Officers Child Protection Group may place a limit on the number of representatives from each Department or agency on the Child Protection Committee (and any sub-committees). In doing so, they shall take advice from the Independent Chair and have regard to the need to ensure that appropriate service areas are represented on the Child Protection Committee.

## **9. Interpretation**

- a. For the purposes of these Regulations, unless the context otherwise requires -

**"the Children Law"** means the Children (Guernsey and Alderney) Law, 2008,

**"the Department"** means the Health and Social Services Department.

- b. Unless the context otherwise requires, a reference in these Regulations to any enactment, rule or order is a reference to that enactment, rule or order as

amended, repealed and replaced, extended or applied by or under any other enactment, rule or order, including these Regulations.

- c. The Interpretation (Guernsey) Law, 1948<sup>2</sup> applies to the interpretation of these Regulations as it applies to the interpretation of an enactment.

#### **10. Citation and commencement**

These Regulations may be cited as the Islands Child Protection Committee Regulations, 2010 and shall come into force on the 26<sup>th</sup> January 2010.

Dated this 26<sup>th</sup> day of January, 2010



A. H. ADAM

Minister of the States Health and Social Services Department

For and on behalf of the Department

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#### EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the Children (Guernsey and Alderney) Law, 2008 by the Health and Social Services Department. They amend the membership of the Child Protection Committee and prescribe additional functions. The Regulations also prescribe the procedure of the Child Protection Committee.