

OCCJ Supplementary Submission to Scrutiny Panels: Proposed Budget 2026-2029 Review

Introduction

In addition to the submission made to the Scrutiny Panels on the Proposed Budget 2026-2029 Review, the Office of the Children's Commissioner for Jersey (OCCJ) makes this Supplementary Submission to further clarify the impact of the proposed reduction of £61,000 in our allocated budget for 2026 on our operation and work.

Unique Position and Remit of the OCCJ

In considering the budget allocation to the OCCJ, it is useful to remind States Members of the origins and unique position of the office.

Establishing the OCCJ was the very first recommendation of the Independent Jersey Care Inquiry, making it a cornerstone of the public architecture in ensuring that children and young people's rights are promoted and upheld. It remains Jersey's only Human Rights Institution and is neither a regulator nor an inspectorate. The OCCJ has a number of functions, enumerated in law, that pertain to children, young people, parents, care givers and the public. In addition, the OCCJ has legal functions with regard to supporting the whole of the States Assembly in progressively achieving children and young people's human rights.

The Significance of Independence and Adequate Funding

However, it is important to note that the OCCJ is not an arm of Government or of the States Assembly. It is established under law as an independent body funded by, and accountable to, the States Assembly.

The Schedule to the Commissioner for Children and Young Person (Jersey) Law, 2019 states as follows:

2 Independence of Commissioner

(1) In discharging or performing the functions conferred under this Law or any other enactment, the Commissioner must act independently and in a manner free from direct or indirect influence, whether from any administration of the States, the Chief Executive Officer, a Minister, the States or any other person.

(2) The States must respect, uphold and defend the independence of the Commissioner.

It is part of our role to also serve the State Assembly by providing robust advice, information and recommendations regarding the achievement of children and young people's rights in Jersey, in law, policy and practice. In return, the States Assembly has a duty to defend the independence of the OCCJ. This ensures that the OCCJ retains its independence from

political interference and can act without fear or favour, irrespective of the status of Assembly Members.

Independence and funding are closely related. As previously stated, without adequate funding, the independence of the OCCJ becomes fettered, as it will not be able to pursue issues at a time or in a way that the Commissioner considers appropriate. If this results in having to seek additional funding from Government on an ongoing basis, then the OCCJ becomes reliant on the acceptance or approval of the Government to carry out its functions. This is contrary to the Schedule of the 2019 Law, which states:

9 Staff and resources of Commissioner

(1) The States must ensure that the Commissioner is provided with such financial and administrative resources, and other support, including staff, services, equipment and accommodation, so as to enable the Commissioner to discharge his or her functions under this Law, or under any other enactment, properly and effectively.

As the Commissioner must, under the Law, discharge their functions independently, it is essential that adequate funding is provided.

Impact of Budget Reduction

In terms of the annual budget allocated to the OCCJ for 2026, while the sum of £61,000 may appear small to some, its impact on the work of the OCCJ will be substantial.

- At present, the OCCJ has allocated £30,000 to commissioned research projects in 2026. This sum is, in fact, already earmarked for current projects that will extend into 2026. Therefore, the OCCJ will not be able to initiate any further projects in 2026, irrespective of priority or need.
- This will impact on the OCCJ's capacity to undertake work in relation to Educational Inequalities, one of four Strategic Priorities directly identified by children for the OCCJ. The review of SEND provision by CYPES this year is important and informative, but it does not adequately include the views or experiences of children with SEND and, therefore, provides only a partial picture. As the OCCJ has a duty to hear from children and young people and to ensure that their views are brought to the attention of decision-makers, our intention was to undertake a child-centred participative research project in this area in 2026. Under the current proposals, this would not be able to occur due to budget reductions.
- The OCCJ has five additional strategic priorities, three of which – Health and Mental Health, Children Experiencing Poverty, and Play and Leisure – were also identified by children as issues that we need to address. The loss of the above funding would mean that the OCCJ could not proactively pursue commissioned work in these areas in the coming year.
- Further, in pursuing such work, the OCCJ seeks to adopt participative and rights-based research methods with children and young people. Expertise in such methods in Jersey is limited, particularly at proven professional level. In commissioning experts to do such work, the OCCJ seeks to build the capacity on the Island in such methods, thereby lessening the need for external consultants in the long term. At present, the OCCJ is the only organisation seeking to undertake this capacity-building work, which is a core part of discharging our functions to involve children and young people in our work and raise awareness of children's rights in Jersey.

- In returning to the origins of the OCCJ, Children's Social Care and Youth Justice remain strategic priorities for us. There remain a number of legacy issues from the Independent Jersey Care Inquiry that may require, as is the Commissioner's right, independent legal opinion in seeking to clarify children's legal positions, such as those for children placed off island. Such legal advice is essential if the OCCJ is to accurately and authoritatively advise and inform the children, parents and carers who come to us, as well as ensuring that we can provide an informed view and recommendations to the States. At present, the reduced 2026 budget would allow for, potentially, only one such opinion and no legal action, if such were required.

Conclusion

While the OCCJ recognises that many States-funded bodies are being required to make budget reductions (as we have also made consistently over the past few years), we would draw the Assembly's attention to:

- The unique and legally protected position of the OCCJ.
- The responsibility of the States Assembly to defend the independence of the OCCJ and to ensure it is adequately resourced.
- The fact that in recent years the OCCJ has not sought increased funding and yet has continued to make cuts to meet efficiency targets, now leaves us in a position where our statutory functions would be comprised by any further reduction to our budget.
- The impact that this budget reduction will have on the pursuit of children's and young people's human rights in Jersey, particularly in relation to their involvement in priority issues identified by them.

Office of the Children's Commissioner for Jersey
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