



Jersey

**CRIMINAL JUSTICE (YOUNG OFFENDERS)
(PLACEMENT PANEL) (JERSEY)
REGULATIONS 2016**

Arrangement

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Made

16th November 2016

Coming into force

23rd November 2016

THE STATES, in pursuance of Article 22 of the Criminal Justice (Young Offenders) (Jersey) Law 2014¹, have made the following Regulations –

1 Interpretation

In these Regulations –

“decision” of the Panel includes a determination for the purposes of the Criminal Justice (Young Offenders) (Jersey) Law 2014²;

“department” means a department of the States for which a Minister is responsible;

“member” means a member of the Panel appointed under Regulation 2;

“States’ employee” has the same meaning as in the Employment of States of Jersey Employees (Jersey) Law 2005³.

2 Membership of the Panel

- (1) The Panel shall comprise no fewer than 5 and no more than 10 members.
- (2) The Minister shall –
 - (a) appoint each of the members;
 - (b) appoint one of the members to be Chair of the Panel;
 - (c) appoint 2 of the members each to be Vice-Chair, such appointment to be made after consultation with the Chair.
- (3) Each member of the Panel shall be a person described in any of subparagraphs (a) to (d) below –
 - (a) a probation officer;
 - (b) a States’ employee employed in a department relating to education;

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- (c) a States' employee employed in a department relating to health and social services;
 - (d) a person (including a States' employee), other than a person falling within a description in another sub-paragraph, who works or has worked for, or who is or was otherwise involved with, an organization which provides services or support to children or young people or both, regardless of whether the provision of such services or support is through charity, voluntary or paid work.
- (4) When appointing members of the Panel, the Minister shall use his or her reasonable endeavours to ensure that, as far as possible, each description in sub-paragraphs (a) to (d) of paragraph (3) applies to one or more members.
- (5) The Minister shall not appoint as Chair or Vice-Chair a member of the Panel who is employed –
- (a) to work in the administration or management of secure accommodation;
 - (b) to work in a department relating to health and social services and who has responsibilities relating specifically to the social welfare of persons under the age of 18 (other than a person employed in the part of the department responsible for mental health services only);
 - (c) to work as a prison officer within the meaning of the Prison (Jersey) Law 1957⁴ or to work otherwise in the administration or management of a prison or young offender institution within the meaning of that Law.

3 Term of appointment

- (1) Each member of the Panel shall be appointed for a term of 3 years.
- (2) A member of the Panel may be reappointed for a further term of 3 years regardless of whether the re-appointment follows a first or subsequent term of appointment.
- (3) The Minister may terminate a member's term of appointment before the expiry of the 3 year term at the request of the member or if the Minister otherwise so decides, subject to paragraph (4).
- (4) Except in the case of the Chair of the Panel, the Minister shall not terminate the appointment of a member unless the Chair of the Panel recommends the termination.

4 Proceedings of the Panel

- (1) Except as otherwise provided in this Regulation, the Panel shall determine –
 - (a) when and where it meets; and
 - (b) its procedure at its meetings.
- (2) The Panel may hold meetings in which members participate but are not physically present in the same place and, for the purpose of this

Regulation, all members participating in such a meeting shall be deemed to be present at the meeting.

- (3) The quorum for a meeting of the Panel shall be 3 members.
- (4) The Chair of the Panel shall preside at the meeting or, if the Chair is not present, one of the Vice-Chairs shall preside or such other member, subject to paragraph (5), as the other members may elect in the absence of both Vice-Chairs.
- (5) A member cannot be elected under paragraph (4) if the member could not be appointed as Chair or Vice-Chair under Regulation 2(5).
- (6) A decision of the Panel shall be by unanimous vote or by a majority of members present at the meeting at which the decision is voted upon.
- (7) In the event that no decision is reached by a majority of members present at a meeting in relation to any particular matter, the person presiding at the meeting shall have a second or casting vote.
- (8) The person presiding at the meeting shall ensure that a written record is made of –
 - (a) any decision taken by the Panel at the meeting; and
 - (b) which members were present at the meeting.
- (9) Each written record of a meeting shall be sent to the Minister and retained by him or her.

5 Expenses

The Minister shall pay any reasonable out of pocket expenses incurred by a member of the Panel in the course of carrying out his or her functions as a member.

6 Appeals against decisions of the Panel

- (1) In this Regulation –
 - (a) “child or young person” refers to a child or young person who is the subject of a decision by the Panel;
 - (b) “Minister” means the Minister for Health and Social Services;
 - (c) “person with parental responsibility” shall be construed in accordance with the Children (Jersey) Law 2002⁵.
- (2) A person aggrieved by a decision of the Panel may, within 21 days of the date of the decision, appeal to the Minister on the ground that the decision is not in the best interests of the child or young person.
- (3) In paragraph (2) “person” refers to a child or young person or a person with parental responsibility for such a child or young person.
- (4) The Minister may allow a longer period for making an appeal than that referred to in paragraph (2) if he or she is satisfied that it is desirable in the interests of justice to do so.

- (5) On hearing the appeal, the Minister shall, with reasons –
 - (a) confirm the Panel’s decision; or
 - (b) direct the Panel to reconsider its decision if he or she considers that the decision was not in the best interests of the child or young person.
- (6) The Minister may, at any time, direct the Panel to reconsider any decision it makes if he or she considers that the decision was not in the best interests of the child or young person.

7 Citation and commencement

These Regulations may be cited as the Criminal Justice (Young Offenders) (Placement Panel) (Jersey) Regulations 2016 and shall come into force on the same date that the Criminal Justice (Young Offenders) (Jersey) Law 2014⁶ comes into force.

L.-M. HART

Deputy Greffier of the States

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- 1 *L.27/2014*
 - 2 *L.27/2014*
 - 3 *chapter 16.325*
 - 4 *chapter 23.775*
 - 5 *chapter 12.200*
 - 6 *L.27/2014*