

JERSEY / JUDGMENT

In the matter of JJ (Restriction of Liberty)

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Application for restriction of liberty [2025]JRC240 Royal Court (Family) 17 September 2025 Before: HHJ Caroline Wright, Commissioner, sitting alone Between The Minister for Children and Families Applicant And

(1) B

(2) JJ (through her legal representative Advocate E. L. Wakeling) Respondents IN THE MATTER OF THE CHILDREN (JERSEY) LAW 2002 AND IN THE MATTER OF JJ (ASSISTED BY ELEANOR GREEN IN HER CAPACITY AS GUARDIAN) Advocate J. A. E. Kerley for the Minister. Advocate N. S. H. Benest for the First Repondent. Advocate E. L. Wakeling for the Second Respondent. EX TEMPORE judgment the COMMISSIONER: 1. This is an application for the Court to exercise its inherent jurisdiction to grant permission to the Minster to restrict liberty concerning JJ who is aged 12 and who was born in 2013. 2. The application was made on 9 September 2025. There is a statement in support by C, the social worker, dated 10 September 2025. The Minister is represented by Advocate Kerley. JJ's mother, B, is represented by Advocate Nina Benest. JJ is represented through her guardian Eleanor Green and by Advocate Wakeling. I saw JJ prior to this hearing accompanied by staff from Accommodation D. We discussed the application. It is clear from what JJ has said that although she is reluctant, she does not really oppose this application. 3. JJ is subject to a final Care Order made on 28 September 2022. She lives at Accommodation D and attends School E. During the summer JJ has been getting into trouble and her behaviour has deteriorated; she has placed herself at risk. On occasions she has stayed out into the early hours of the morning and has not always told staff where she is going. She has also been drinking alcohol and associating with other young people involved in potentially dangerous situations and activities. JJ's behaviour has escalated recently, she is not engaging well with education, she has become unhappy and at times has thought about hurting herself. The Minister is very worried about her safety, and rightly so. Jurisdiction 4. Jurisdiction to make orders authorising DOL in these kinds of circumstances is set out in the decision of the Deputy Bailiff: Re EE [2023] JRC 114. This confirms that the Court can use its inherent jurisdiction as appropriate and that this does not conflict with Article 76. 5. As to the Child's rights pursuant to Article 5 of the European Convention on Human Rights, it is well established under English Law that orders authorising appropriate restriction of a child's liberty by the Local Authority can be made when necessary and proportionate to ensure the child's safety. This application requests the Royal Court to make Orders pursuant to the inherent jurisdiction to authorise the Minister to make appropriate arrangements to keep this child safe. 6. These

applications in England and Wales are normally dealt with in the High Court. It is appropriate that this application has been issued in the Royal Court. I have been asked to consider whether this application should be heard by both Judge and Jurats. I am satisfied, having consulted with the Deputy Bailiff and in line with the practice adopted in England and Wales that there are no factual issues for resolution in this case. In the circumstances it is not necessary for a Judge to sit with Jurats. Provisions of the Order 7. In relation to the draft directions and draft order, I have gone through with Advocate Kerley who acts on behalf of the Minister, the provisions that need to be included and how the proposed authorisation of DOL should be worded. Expectations (i) JJ should be back at her placement by 6pm on a weekday and on weekends she should be back by 8pm. (ii) Staff can take JJ's phone from her if appropriate in exercise of their parental responsibility; this is not a deprivation of liberty. Staff are authorised to take JJ's phone if she refuses to give it up. Deprivation of Liberty Restrictions 8. Staff are authorised to prevent JJ from leaving Accommodation D if: (i) it is not in her interests to go out because she will be potentially unsafe; (ii) she refuses to tell staff where she is going or who she proposes to see. (this should not include seeing her mother); (iii) she does not agree to be accompanied, at least initially, and or return at a particular time, and (iv) she fails to adhere to agreed boundaries about leaving Accommodation D. The above restrictions need to be reviewed regularly. 9. Staff are authorised to use the most appropriate methods to prevent, discourage or diffuse conflict. As a last resort staff can use physical restraint if other methods are not working.

10. Staff are authorised to supervise JJ at the level of 2 to 1 if necessary.
11. Staff can lock doors and windows to prevent JJ from leaving between 6pm in the evening and 8am in the morning on weekdays, and between 8pm and 8am at weekends, and at other times if JJ decides that she is not going to attend school, therefore potentially putting herself at risk in the community.
12. The above restrictions are agreed. Service of the Order
13. The Minister requests that the police are made aware of the above. It is appropriate that the police should be served with this order.
14. Jersey police can be also requested by the Minister to take whatever measures are necessary and proportionate to ensure that JJ is returned home if needed, and that they in conjunction with the Minister use an appropriate level of force as set out above. Review
15. This order will be reviewed in 6 weeks' time but the order will be for 12 weeks.
16. I should make it clear that this is a permissive order.
17. In the event the above does not keep JJ safe, the Minister has permission to apply for further restrictions if necessary. Authorities Re EE [2023] JRC 114. European Convention on Human Rights.

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