REPORT TO THE
JOINT STANDING COMMITTEE ON THE
COMMISSIONER FOR CHILDREN AND
YOUNG PEOPLE

STUDY TOUR JUNE/JULY 2014

London | Scotland | Wales

25 JUNE 2014

MEETING LOCATION: COMMONWEALTH FOUNDATION, WESTMINSTER
ATTENDEES: VIJAY KRISHNARAYAN, DIRECTOR

Meeting with Vijay Krishnarayan: There are big challenges in finding non-governmental organisation (NGO) networks in the Pacific Region to work with the commonwealth Foundation. I have committed to linking Mr Krishnarayan in with the Commonwealth Women Parliamentarians (CWP) Pacific network via Elizabeth Burain and I have also asked Fiona Way to talk to him. These tasks have been completed at time of writing.

I have also undertaken to raise this issue with Catherine Cusak, Chair of CWP Australia, to encourage the CWP to make contact with the Commonwealth Foundation. Task has since been completed.

Part of the purpose of the meeting was to determine post Millennium Development Goals (MDGs) period for CWP. The second purpose of this meeting was to determine which current policies CWP will be seeking to retain in future years. Denmark and Papua New Guinea Members of the Association are working on the next steps to these questions over the coming month. Further consultation with members will take place over the next twelve months regarding the Association’s post MDG.

26 JUNE 2014

MEETING LOCATION: OFFICE OF THE CHILDREN’S COMMISSIONER FOR ENGLAND, LONDON
ATTENDEES: DR MAGGIE ATKINSON, COMMISSIONER

According to Dr Maggie Atkinson, under the Liberal Democrats the Commissioner has coped with a 30 per cent funding reduction while local governments and their agencies who do service delivery - especially in the area of children/welfare support - have had a 45 per cent cut in funding.

A recent report by the Centre for Social Justice and Kids Company into budget cuts and children’s services is correct in its claims, but is sensationalised in its use of emotive language to promote its message. Kids Company works with the extreme cases of poverty and hardship. See report by Adele Eastman.
Under original legislation, the UK Parliament cannot dismiss a Children's Commissioner, except in cases of gross misconduct or funding misappropriation. Under the new legislation the UK Parliament will have a say in appointing the Commissioner. The UK Commissioner considers this to be a helpful change.

When the Liberal/Democrat Government was elected, it instigated a review of the office. The results recommended that the Commissioner be more independent of Government. It also recommended a rights-based organisation with an independent Parliamentary Committee should report to Government. Dr Atkinson says she believes the Government’s Human Rights Committee should be a good reporting line. In her opinion, that Committee is very good and bipartisan.

The English Children’s Commissioner has powers to intervene in cases where an individual's case is representative of a wider problem. The Commissioner can be named as an interested party to an individual case and therefore be asked to address court.

The Children and Young People’s Commissioner must publish all of its reports.

The Commissioner has committed to forward a copy of her office’s business plan and annual report.

Priority issues for the English Children’s Commissioner are trafficking and refugee children's rights, unaccompanied minors, poverty, austerity and disability. The Commissioner also mentioned the importance of education research into exclusion and expulsion of children from schools, including investigation into a rights-based education system. The Commissioner has committed to forward information on these issues.

Other issues discussed include sexual abuse and exploitation, and gender with a focus on gender differences in access to services such as mental health.

The English Commissioner’s current position is a five year appointment, and in the past the Commissioner was able to reapply for future terms. However, new legislation has changed this appointment term to six years and has taken away the ability of the current Commissioner to reapply. This is written into a clause in technical regulations which say that a person can only apply once every six yrs.

The Commissioner considers her work as resting on a triangular framework, legislation including local laws at the top of the pyramid, which feed into processes and procedures in the middle, which in turn affect the voice of the child at the base.

26 JUNE 2014

MEETING LOCATION: CHILD RIGHTS INTERNATIONAL NETWORK (CRIN), LONDON
ATTENDEES: MEAGAN LEE, LEGAL RESEARCHER

CRIN is an NGO which works to research and advocate on children's rights globally. CRIN is affiliated with the University of New South Wales, National Child and Youth Law.

Based on their work on the United Nations (UN) Convention on Rights of the Child, CRIN have just launched a new campaign on access to information for children who are denied information, especially as this relates to the children’s safety and health, for example issues around the mental health of children who identify as lesbian, gay, bisexual or transgender (LGBT).
Ms Lee has committed to forward a link to CRIN’s policy paper on access to information, drugs and alcohol. The CRIN follow rights model in educating children rather than other models which encourage increasing penalties.

Ms Lee has also committed to forwarding on the contacts for James McDougall, a consultant experienced in Asia Pacific Region work who runs a children's rights network from Sydney.

CRIN is running a global project called Access to Justice. This is a focus similar to the EU Children's Rights Commission. Megan has committed to forwarding information on this project. Ms Lee also recommended a study being conducted by a pro bono US law firm White and Case, which is undertaking research in 194 countries into how children learn about their rights, practical issues, and regional or thematic trends. She has committed to disseminating results when the global report has been released. Currently the project results for 65 of these countries have been published online.

Further discussion was held on child advocacy workshops in Nepal and the institutional abuse and rights of the child.

Ms Baker has committed to send Ms Lee contacts for the Commonwealth Foundation, Youth Development (pending further information).

27 JUNE 2014

MEETING LOCATION: COMMONWEALTH WOMEN PARLIAMENTARIANS PAN COMMONWEALTH CONFERENCE, LONDON

SPEAKER: Charles Chauvel, Advisor, Parliamentary Development United Nations Development Programme (UNDP)

*Negotiating a better position for women and girls after 2015*

Mr Chauvel discussed serious challenges which remain since the passing of the MDGs. While good development has been commenced in partnership with communities, the Commonwealth needs representatives who can negotiate development priorities and make them into law, i.e. the role of women in parliaments, law making, monitoring the executive, dialogue/representation, and consensus building with constituencies. It is vital that the Development Goals involve parliaments in promoting national dialogue to achieve the Strategic Development Goals (SDGs) on the post MDG period.

Discussion also turned to whether Parliaments are properly briefed over progress towards the Development Goals, whether consultations are currently underway, and which parties are involved. It is also important to identify which mechanisms are in place to monitor progress against the MDGs and the SDGs.

SPEAKER: Professor Dianne Perrons, Professor of Economic Geography and Gender Studies, London School of Economics

*Gender and Social policy - Making your Mark*

Discussion led to legislation which may progress the MDGs and SDGs.

Ms Perrons’ advised that equal opportunity must be pursued according to our own country’s priority, equal access to land, inheritance, credit, resources, responsibilities, health, education,
work and pay. Violence, for example, threatens the equal opportunity of women in that one in every three women is likely to experience violence in their life time.

Social media sites which were recommended: Agora and IKnow politics. www.agora_parl.org

SPEAKER: Kemi Ogunsanya, Adviser, Gender and Political Development, Commonwealth Secretariat

The Role of Women in the Post MDG Era

(Copy of power point notes available on request).

There is a general lack of recognition of the importance of Parliament as an actor in furthering the Development Goals – aid agencies prefer working with country’s Executive branch of Government. Parliamentary capacity to oversee development funds in both donor and partner countries is often overlooked.

Parliament should play a critical role in developing ‘multi -pronged breakthrough’ strategies for MDGs in consultation with national stakeholders and constituencies, including civil society and the private sector.

I suggested that the new CWP Australia Chair tables two motions:

1. CWP write to the Commonwealth Foundation with an introduction, an explanation of CWP’s role, and an invitation for cooperation between the two associations; and
2. CWP develop a position on post MDG period for submission to the UN by September 2014.

MEETING LOCATION: OFFICE OF TROUBLED FAMILIES PROGRAMME (TFP), LONDON

ATTENDEES: EMMA JONES, DEPUTY DIRECTOR

Ahead of the 2011 election, the UK Conservative Party knew there were 120,000 troubled families across the UK. ‘Troubled families’ has a specific and quantified meaning. These families were effectively excluded from society and unable to keep safe or progress by way of, for example, obtaining employment, completing school, securing accommodation.

Troubled Families is a three year program. In 2015, it will cost GBP 448 million. There are 152 local Troubled Families coordinators in each local government authority. Coordinators are paid in the mid to higher level public service range to ensure they have the skills required to deliver and get access to a purpose-made training program on how to work with troubled families.

Experience has shown that when a local government recruits a less-skilled lower-paid worker, the results are not as good.

The economics of the program encouraged 153 local government authorities to join up immediately. The TFP coordinators are a close network, highly supportive of each other and closely connected.

Local TFP teams include up to three staff from job centres, including, for example an administrative, data entry role and one to two trained family workers. job centre staff are seconded but remain accountable to their centre manager (see matrix).

The economic analysis map shows service provided to one family over 9 years. The analysis showed that each family of the 120,000 cost GBP 75,000 each per year. A combination of targeted and reactive support services. This is a whole of family model and the programme has been designed to fix problems, rather than manage them. To be on the programme a family
must tick 3 out of 4 boxes against the criteria, one these 4 is a local criterion set by the Local Authority. Before this programme, on average a family would have been door knocked 13 times before a contact was eventually made.

Each family is allocated GBP 10,000 per year to provide essentials. GBP 4,000 comes directly from the UK Government and the balance, GBP 6,000 must come from the local authority. While the programme is voluntary for local authorities, all have signed up. When costs are shown of what was being spent by each authority on managing troubled families rather than fully resolving their issues, it clearly adds up to being much more than GBP 75,000 spent per year.

A combination of six departments co-fund TFP: the Department of Health, Home Office, Police, Education, Communities and Housing. In addition to upper level Departmental involvement, Police and other related agencies also contribute directly to the programme via services at the local level.

A percentage of the GBP 4,000 is paid to the local authority at the beginning of the programme. The balance is paid to the local authority when outcomes are delivered. Outcomes are varied depending on each family’s plan and may include securing employment, good attendance records at school, etc.

It took a long time and much negotiating to sort out data exchange issues between all of the departments involved. Some changes needed legislative change, whilst others were written into memorandums of understanding (MOUs).

There is a next stage about to be approved to expand the programme to the next 400,000 families in danger of becoming troubled families. The present plan is for the programme to last for 5 years with initial funding set for GBP 200million.

1 JULY 2014

MEETING LOCATION: SCOTTISH CHILDREN’S REPORTER, SCOTLAND
ATTENDEES: NICK HOBBS, POLICY AND PUBLIC AFFAIRS MANAGER

Scotland's Children's Reporter (SCR) is a body that administers the legal system put in place to intervene with problem children before they become part of the juvenile criminal justice system. It has no direct relationship to the Commissioner for Children and Young People. New legislation passed in Parliament in March may now see the Children's Commissioner being involved in accepting complaints. SCR will be likely to remain as the first point of reporting for complaints. It is expected that the Office of the Children's Commissioner will operate more strategically.

Meeting discussion included an overview of the history of the SCR, including the Kilbrandon Commission (in the late 1960’s) which recommended that something be put in place to ensure the rights of the child and to try to keep children out of the court system. The SCR process enables teachers, family members, doctors, social workers, police, etc to call for a hearing of the Commissioners to look for solutions which put children first and encourage the coordination of resources to protect the child.

Youth courts seemed to have been working well but a system was needed which focused on youth justice to ensure the rights of a child were in place before the court process was needed. In 1971, the first year of system's operation, only 4000 reports were filed. The number increased since as police grew to understand the services that were available and family members, welfare workers, etc became more confident in the value of reporting abuse. To date, there is no mandatory reporting in instances of child abuse in Scotland.
Things that might be covered in a compulsory supervision order include the location on where the particular child resides, details of the supervision by and contacts with a suspected child abuser, policies on stopping abusive contacts, decisions on where the child should be placed (secure placements etc), and the ability for a Government body to apply for child protection orders to remove the child from home and transition them into safety.

The child must be at the 'centre' of policies on stopping child abuse, and the child’s participation should be central to decision making.

Referrals peaked in 2007 with police receiving cases and directing them to the reporter. 'Getting it right for every child' became a priority policy which saw major changes around 2006. Since then there have been significant declines in offence referrals. This is because the inappropriate use is declining. Hence, the expectation is for further decline.

Amendments to the Children and Young People Act came into force from the beginning of this year to add a focus on early intervention and holistic preventative intervention.

In the future we are likely to see a revised set of referral conditions. Forced marriage has come up as an issue which will likely see a change in a need for response that may be significantly different to responses regarding other types of child abuse. Children at risk of trafficking is also flagged as an issue that will require a different type of response in the system. Younger children may be coming forward (8-12 children) raising the age of criminal responsibility to 12. Referrals are going down but cases are becoming more complex.

Attended three hearings of the SCR (confidential).

2 JULY 2014

MEETING LOCATION: OFFICE OF SCOTLAND’S COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE, SCOTLAND
ATTENDEES: MR TAM BAILLIE (COMMISSIONER), KATIE BROWN (HEAD OF EDUCATION & PARTICIPATION) AND NICO JEUTTEN (HEAD OF POLICY)
Stop and search legislation is ‘out of control’ in Scotland with children younger than eight years old being stopped by police. There is a building swell of opposition to the stop and search laws and they are causing major problems for both police and families.

Another major issue is global and public cases of child abuse, including the high profile case of Harris, Saville and others that are coming to light. Commissioner Baillie expects a fundamental shift in the world perspective on child abuse as a result of these cases. He advises that Children's Commissioners be across the issue and take up research, reporting and action on this issue as a matter of priority.

Mr Baillie spent three years working with the Government on children's rights. However, he has recently expressed concern over the drafting of new legislation. He had previously recommended the inclusion of a child rights impact assessment across all legislation, but the recommendation was turned down. The Government has however agreed to a children's voice strategy - 'right blether'. New legislation has now passed through the Parliament.

The Commissioner's office completed a research project which included interviewing 75,000 of the 650,000 school aged children in Scotland. The outcomes from this Survey have given the Commissioner's office very high public and Government credibility. In identifying the purpose of the Commissioner's office, he had to be aware of the importance of employing adult staff who inspire trust and confidence from the children they work with. Number of children in Scotland is about 500,000 therefore the office is small, it is the nature of the people who make the office successful.
Bringing a ‘rights framework’ to the work of the 50,000 teachers currently employed in Scotland schools means listening to children. In the UK, there are reports of religious groups taking over the independent public schools and ‘stacking’ boards, increasing a religious perspective and influence on the public school system.

The current appointment of the Scotland Commissioner for Children commenced in 2004.

Appointment of the Commissioner is unique in that it involves input from children. The appointment process includes children, with a cross-party Parliamentary Committee observing the children’s interview and making a final recommendation to Parliament. This is different to the equivalent process in the UK, which involves a ministerial appointment with final appointment made by the Queen.

The Scottish Children’s Commissioner is the independent voice for children with partial investigatory powers and the ability to take individual cases under new laws through Parliament. The new laws will change the powers of this office. The Appointment of Commissioner will be changed to an 8 year term to be consistent with the offices of Ombudsman, Human Rights Commissioner and Standards Commissioner. The Commissioner will not be able to reapply for the position after serving one term. CCYP receives its budget from Parliament and is confident that will be funded with enough money to implement new role.

The Scottish CYP is expected to be stronger under new legislation.

Also offered in Scottish schools is the Australian-based PPP parent program (Matt Saunders Australia).

Family nurse partnership - also Australian? (David Olds)

Just had 500 new child health nurses approved.

3 JULY 2014

MEETING LOCATION: OFFICE OF WELSH COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE, WALES
ATTENDEES: MR KEITH TOWLER, COMMISSIONER

I attended the public launch of the Commissioner’s latest report into respite care for children/families. The report Full Lives is available online. The Commissioner looked at how agencies were responding to the provisions in the Social Service and Wellbeing Act that relate to carers’, children’s and families’ rights to be provided with 'short breaks'. It also refers to the Families and Children Act (Section 11).

The Commissioner said that this had been the most emotional work that he has been involved with during this first three years of his seven year appointment. Many carers were exhausted and said they were experiencing gaps in service provision, therefore they could not get help or support to take a short break from caring for their loved ones.

The Commissioner said that Full Lives demonstrates that the benefits of short break provisions for families far outweigh the cost. It’s life changing. For example, he spoke of the anxiety created when a child with a disability approaches the age of 18 when they no longer qualify for the same services or level of service that they have been used to. Many of these young people are vulnerable to changes in their routines and when services cease and others start, the people delivering the service change and often so do the venues. To a child with highly complex needs and challenging behaviours, this creates anxiety and stress for the young adult and their family. The Commissioner found that there is limited transition planning for these young people.
Some services send an 18 birthday card that says ‘happy birthday but your work with us is finished’. Parents and carers are asking who will look after this child when they’re no longer able to do so.

The value of short break services is huge. *Full Lives* makes recommendations to Government and a response from Government to these recommendations is anticipated.

The launch was held at the National Assembly. Third and independent sector people attended the launch, as well as Government and Local Government providers.

This Act also covers the right of children to play including disabled and vulnerable children.

Deputy Minister, Gwenda Thomas says that codes of practice will be in place by 2016.

Third sector services and families spoke about having started youth clubs /parents clubs to help achieve short breaks = full lives.

Following the launch I held further discussions with the Commissioner.

This was the first Commissioner to be appointed in UK. Came after a massive investigation into institutional abuse (Waterhouse inquiry late 1990's).

The role of the Commissioner is not to regulate, not child protection and not first responder to child abuse. When an individual case is reported to him he can use his role to seek info from agencies and if required to demand responses. His role is one of name and shame. He has no power of compulsion. Individual cases are related to systemic issues and cases run on a systemic basis.

The role of the Commissioner is to promote and safeguard children's rights in Wales under the provisions outlined In the UN Rights of the Child. His role is to hold community to account by ensuring the voice of the child is spoken and listened to.

An earlier report, *Missing Voices*, looked at the independent advocacy system in Wales and whether it was working effectively for children (available online).

In his first year he had a big success in relation to Government spending priorities around schools. When he was consulting with school children the biggest issue they raised with him was their disgust at the state of their toilet blocks. He wrote to the Government and received a lot of media about this. The Government was highly critical of his public stance but he maintained it and was successful at getting the resources reallocated to sort this out across Wales.

The Parliamentary Committee on Children and Young People carries out its own hearings, reports and reviews. This has required delicate work to stop duplication of effort – both the Commissioner and the Committee start work of the same issue. The Commissioner has used his office to support the Committee by taking on the 'consultations with children’ aspect of investigations and the Committee has agreed to deal with the other evidence. This has been a negotiation as his office is not required to report to the Committee.

Their Act is due to be reviewed soon. As with the Commissioner for Scotland, he will be suggesting that the Welsh Commissioner be appointed by Parliament not Government and that it should run for five years plus possible extension of five years. He considers that less than five years is too short.

The office currently employees 25 staff and has two offices, one in the south and one in the north of Wales. Another issue that will need to be addressed is the specific situation of the
Welsh Commissioner in relation to the Executive and to the UK Government. The relationships have changed from when the original Bill was drafted, and it may change again depending on the outcome of the Scottish referendum in September.

At the moment the First Minister appoints the Commissioner. He recommends that this be changed so that the people – the Parliament – appoint.

Priorities for the Commissioner will be the issue of historic abuse. The Seville, Harris, and other cases are underway. There are 200 cases currently before the court and listed to be heard commencing in October 2014. The Commissioner has begun his report on what was in place, what is in place and what is needed to ensure the rights of the child in these cases and in the broader issue of abuse.

Like his colleagues in other jurisdictions, this Commissioner thinks that the current cases being given worldwide coverage will be game-changers for the future of child protection.

He has spoken out publicly about the need for UK Government to review how they are dealing with this issue at the highest level.

Next priority will be parenting, followed by physical health and mental health.

The Commissioner's personal interest has been on the right of children to play and he has been a member of UN Committee working on this issue.

Lisa Baker MLA
Chair, Joint Standing Committee on the Commissioner for Children and Young People

July 2014
Welsh Executive Parliamentary building

CWP