

Barnardo's Lecture Series

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children



Barnardo's

Maggie Atkinson, Children's Commissioner for England

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Speech Transcript

Good morning and thanks for turning out for this early start. I also want to thank Martin and Barnardo's for generously hosting and setting up this event, and for publishing my address on the Barnardo's website later. You will also find it on ours.

In this address I will remind us what I am tasked to do as Children's Commissioner. I will follow with some reflections on my priorities, and on what difference I consider the role has already made and how I intend it will continue to do so. I will end with some early calls to my own and your thinking as we go forward. I know that Martin wants then to chair some questions as we close and disperse.

The role was created by the 2004 Children Act, after much campaigning, not least by many people in this room. It rests on the notion that children and young people need advocacy and a champion who leads the debates concerned from a position of moral purpose and equally moral leadership. It was created with the backing of all three main political parties, though both in its creation and since its inception there has been much discussion about the role and its powers. It is a statutory role. It is matched by similar though not exact replica posts in the UK's devolved administrations, in Eire, most other European nations and further afield, including in many Commonwealth countries. Each Children's Commissioner's remit differs somewhat from all the others given how varied we all are. My powers and duties are as follows.

I must be concerned with all five outcomes under the Every Child Matters framework. My remit therefore extends to commenting on, and where the voice of the child indicates it is needed calling for policy change in matters of children and young people's safeguarding, health, education, active citizenship, and economic wellbeing. The job is for all 11 million plus children in England, with a particular regard for the most vulnerable and marginalised. I am unique among all bodies in the sector because have the right of entry into any setting where children and young people are, except for their homes, to seek their views on how they should inform policy making, and reflect back to those holding power in both localities and central bodies. I publish what I find whenever there is something important that children and young people want me to say, and I have the power to require that any of the statutory bodies on which I comment should respond to me in writing.

Under my powers I am not designated to, and therefore rarely take up individual causes or cases, unlike some Commissioners. I am not an ombudsman. But where there is a growing body of evidence coming to me from children and young people, I can institute an enquiry into the issue, having first informed government. I can be called on to intervene in court cases that would set

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precedent or have other serious effects on children and young people more widely than those directly involved in cases. Courts take the Commissioner's interventions seriously, and I use these interventions carefully and judiciously so I avoid simply becoming a maker of noise without focus or authority, though as you can imagine I am approached a lot.

I am required to have regard for the United Nations Convention on the rights of the Child (UNCRC.) Indeed the convention underpins all I do, and strongly informs how I, and therefore my organisation, prioritise in any given year.

My vision as Commissioner is that all children and young people are actively involved in shaping all the decisions that affect their lives. ... That they are supported to achieve their full potential through the provision of appropriate services, which they have a hand in shaping. ... And that they live in homes and communities where their rights are respected and their responsibilities learned; where they are loved, safe, and enjoy their lives, as they are citizens now. I use my powers and my independence to ensure the views of children and young people are routinely asked for and listened to, and that outcomes for them therefore improve over time. I will work in partnership with others wherever I can, bringing children and young people into the heart of decision making, to increase people's understanding of their best interests and have us all listen to their views.

I became Commissioner as a lot of our earlier work started to come to fruition, and we have recently published or are about to publish several important reports, suffused with the views of children and young people.

- Almost as he left office, Sir Al Aynsley-Green published his second report on asylum seeker children detained in preparation for deportation. Much has been achieved and there's still more to do, was the headline judgement. We remain in close dialogue with the UKBA, and this work will continue. Yesterday's coverage of the HMCI Prisons' similar findings contributes to the debate we started some time ago, from an adult and inspections rather than the child's personal perspective. Let me be clear here. As Commissioner I am not saying the country needs no limits on, or no system for immigration, including for asylum seekers and refugees. But what is done needs to have an eye, and much thought, for the fact that those detainees we focus on are children, who are often already traumatised and troubled. Detention is not an appropriate answer to their needs, as our last report said again.
- We have also commissioned important research on the issue of media access to family courts, whereby media coverage of sensitive cases, and the power to report widely on them, were proposed in the Children and Families Bill until part way through its passage through Parliament. Last week saw us release our evidence rich, research based report on this issue, in which we said most children, in both the public and private courts, had expressed the gravest reservations about their private, often intimate circumstances being open to the media. Researcher Julia Brophy undertook this work. The voices of vulnerable children and young people, the majority of them saying firmly, "please don't do this, or I will not tell my story to anybody, and then surely I will be more at risk," are woven through it. In ways we can neither ignore nor deny. Children's voices are powerful, if we listen well.
- We intend to publish, once the work is complete and now probably post-election, an informed and serious contribution to the ongoing discussion about how intervening professionals can work better and more productively with families who, for whatever reasons - and there are many - resist working with the very services it is clear they need.

My aim is that children and young people, through participating in decisions made about their lives, will see improvements in their wellbeing. They will recognise and enjoy their rights under

the UNCRC, which the then-UK government signed in 1991, and to which all four UK administrations have committed to seeing robustly tracked in legislation. Children and young people will, in the long term, see and experience that they are valued by adult society. Improving inter-generational understanding is one of my aims. You might be interested to know, it lies at the heart of concerns expressed by young people.

My shorter term plans pick up my core themes as Commissioner, and turn my team's attention to prioritising what we can hope to accomplish with the resources we have, given we cannot do everything.

For 2010-11, I am concentrating on continuing to build on key pillars of policy, in what you will see from our website and our plans is our House of 11 Million. This means:

- Continuing to work for a more dignified, child-sensitive approach to child and adolescent asylum seekers, especially when in progress towards returning home
- Reflecting on how far we have, or have not, kept the promises we have already made to enhance and improve health services for, and attuned to the needs of, children and young people. There will be a special but not exclusive concentration on mental and emotional health and wellbeing in young offenders as part of this.
- Working on safeguarding issues, reflecting on children and young people's experiences of the system, including for example their take on social work, the courts, and of being in or leaving care. We will also work in depth on the rights issues where children's wellbeing and safety are affected by living with domestic violence, or with adults whose damaging behaviours impact on them, including through the abuse of alcohol or drugs.
- Continuing to lead some tough but very necessary discussions on, and Commissioner's interventions in, the Youth Justice system, an area where the United Nations consistently criticises our approach. Numbers in the system have started to fall. They have a long way further to go.
- Reflecting children and young people's views on and aspirations for education, and the policies that drive what they experience in their schooling, or their learning elsewhere.
- Continuing to reflect children and young people's views on what concerns, delights, frustrates and supports them, speaking to both local and national policy makers through our work on participation and involvement.
- Working on the development of a children's media centre which helps track how children are both portrayed in and approached by the media all around them, and which advises me on what I should say on the necessary improvements in both.
- Strengthening the advisory and stakeholder groups that advise and steer my work, especially by formalising the parts children and young people from all over England act as my advisers and sounding boards.
- Working towards an expert advisory group arrangement where others in the sector ally themselves to me for either particular campaigns more broadly, and I reciprocate, so long as none of us is ever compromised or made dependent.

All this activity is underpinned by the United Nations Convention. My work is to make sure that if children and young people have an issue, they also have somebody who can help them raise it and take a moral and advocacy lead on their behalf. It is vital that they know how to get my attention. Of course we will keep some energy to be applied to the "out of left field" issues that will need a response.

I am also keen to get out across England, and last week went to the East Midlands to start that aspect of my work. First to a Grantham Children's Centre, which means somewhere there are professional photos of the new Commissioner in a morning session singing "Twinkle Twinkle Little Star," surrounded by 0-to-3 year olds, their parents and carers. We had great conversations about the work the centre did for the good in their lives, attached as it is to a primary school and housing a community café and library. On to Hill Holt Wood, a therapeutic

and training community in an ancient woodland, run by husband and wife social entrepreneurs, ensuring both training, qualifications and life changing human interventions with up to 20 14-to-19 year olds who would otherwise, as one said, “be either in prison, or dead.” And the afternoon at Christ’s Hospital School Lincoln which hosted and fed us, opening its hall to around 60 young people from across the region. In a session run by four other young people, the group included future leaders, future graduates, young carers, four British Romany young women, youngsters with learning or other difficulties, young offenders, sports enthusiasts, and young volunteers making a difference in communities. We spent several hours listening to their views. These are best summed up as wanting to understand and participate in the adult world, and be listened to and understood by it in return. Wanting rights, and responsibilities. Look for the results of the conversation on our web site, and for me to use what they said to me in my work.

Hang on though. Isn’t some of this what you also do? In part, yes. My uniqueness however is in my statutory duty to do it, and in the fact I am expected to go directly into places where children are nurtured, educated, treated, healed, incarcerated, contained within or withdrawn from their communities; and having gone, to come back and say what I find there by reporting in their words what they want to say to the adult world with power over their lives.

So far being England’s second Children’s Commissioner has been a busy, at times a high profile experience. I am supported throughout by a great team of under 30 people. This is a team well led by Sue Berelowitz, who is both Chief Executive of the Office of the Commissioner 11 Million, and Deputy Commissioner. I want to thank them all for the short journey we have made so far, and for the work they have done for children and young people both before and since I arrived in post.

My intention is to express, in concrete terms and through the laws we make, our shared commitment to the entitlements of our children and young people. The work I do should have a tangible and lasting influence on how we make that policy. If I do my job well we should all have the voices of those aged 0 to 19, or 21 if they have been in care ringing in our ears. The listening we do and the actions we carry out as a result should happen consistently, whether it is easy to keep listening or at times really hard.

We signed the UNCRC in 1991. Organisations across the sector should know its contents, and look out for opportunities to cite its Articles both in conversation, and in our plans. Some of the Articles are about basic human rights: to a name; to be safe; to be educated in the round, not only to pass exams; to hold a belief and not be discriminated against; to be loved and nurtured; not to have to go to war under the age of 15; to be tried in a way you understand if you have done something criminal; to be placed in prison only as a last resort; to have your right to privacy upheld. The UN Human Rights Commission regularly holds us to account as a signatory nation, for how well we are doing on our promises to the next generation. Usually, it says we are not bad at most of them, but behind where we ought to be on others. It challenges us to do something about it before the next time we are questioned. We are committed to getting the convention and its delivery right for our children and young people. Let me run just two Articles and their implications past you as illustrations.

Article 12 says children and young people have a right to have their voices taken seriously in decisions that affect their lives. That’s all decisions. We have commissioned some research asking how well we do this. Surprise surprise, it’s telling me that where we are weakest is with those with the harshest messages to give us, being the hardest for us to listen to and with naught for our comfort: those in youth justice, immigration and safeguarding settings. And then, more broadly and in the mainstream, I recently asked a regeneration specialist when he and his team of “knock it down and build something new” experts had last sat down with a group of children and young people in the communities concerned, to find out what they wanted from rebuilt streets,

parks, town centres. He realised he had missed out an entire constituency, and went away with the UNICEF website address in his sights so he could get his copy, determined to find out what he could do to remedy the omission.

Article 31 speaks of the right to play, have leisure, take part in creative and cultural activity. For those of you busy with arts, culture, sport, play, what does your young consultees arrangement look like, and what are you doing about what they tell you they would leave their play-stations for?

If we are serious about getting better at fulfilling our promises, then let's move on to the next hard thinking we need to do together. Here are some challenges to close this address. These are for starters, and I promise, will be revisited.

I am asking us all to be brave: to have the ongoing conversation we currently seem unable or unwilling to have, about what childhood and youth are for; what our shared ideals for our youngsters are; what we want for them; what lengths we will go to secure it, and how we safeguard their present and ready them for their future. Our seeming inability to talk about this rationally, rather than raucously, is reflected in the Good Childhood report of 2009, as well as in ongoing reports from academia, the current Government and both the main opposition as well as many smaller political parties, and as I outlined before, evidence from my own office's work.

Our unease seems wide ranging and complex, and revolves round core questions for me as Commissioner, and I hope all of you. Let me rehearse some of them as a basis for an ongoing dialogue.

Are our children and young people to be happy, engaged in and challenged by the sheer excitement of learning, doing, exploring, supported by adults who let them learn whilst stretching themselves, taking risks but not being completely foolish or foolhardy, becoming rich and learned human beings? Or are they little bundles of measurable outputs trained in a mechanistic model of education, albeit softened - as I know it is - by creative, sometimes downright defiant schools in localities all over England?

Are they here to be disciplined so they unquestioningly comply, know their place, do as they are told? Or to be questing and questioning but positive citizens from an early age?

Are they here to be exposed to harm one minute, and cocooned the next in a bid to shield them from the harm we fear they will come to, either directly, or through the modern addictions of celebrity society, internet everything and 24 hour media that we cannot shake in our own lives, and against which we either do not know how, or do not try, to defend them?

How are they to grow and become independent adults as we all are, if at least part of our guarding them means that 45 years ago I played a mile or more from home climbing very big trees and falling into streams for hours at a time completely unsupervised, with a mixed age and gender gaggle of friends, some of them very rough and whom my parents did not know, then 20 years ago the distance was the end of the street, ten years ago it was next door, and for too many now it's no further than the back garden, and only then if an adult is supervising the scene?

Are most children and young people pillars of our communities and credits to their schools or colleges, involved in purposeful activities, volunteering and sporting and Duke of Edinburgh Awarding and so on? Or is that only ours, whilst we believe somehow that other people's children are feral creatures we would not know how to either listen or speak to, whose questionable company we would cross the road to avoid?

Are we as adults here to shield and nurture them, spend time with them, make them the people who will parent our grandchildren who will in turn look up to them as their mums and dads? Or are we meant to provide them with an activity to fill very waking hour and a room full of technology, but nobody close to them who has the time either to talk to them, or to fathom life out with them?

Do we give ourselves due credit that we do strive, against all other influences, and largely we succeed, in bringing them up happy, balanced and fulfilled, even if things at home can sometimes be a bit relaxed or somewhat unorthodox, even a bit chaotic? Or do we drive them harder than we were ever driven ourselves to achieve, to be successful whether or not they are also happy?

Whatever we want and dream for them, have we told them so? If their dream is not quite ours, how do we go on from there?

And now, some simple sums.

There are now over 11 million children and young people in England. Around half of them are aged between 11 and 18. Let's ask ourselves: are they really all likely to be criminals? If they are, why have we all crossed London to this breakfast meeting, and how safe will we be going away after it?

My motive in asking the last question is not to deny that a minority is involved in crime and disorder. Nor is it to say that when they are, they should be unpunished, or untreated for what ails them, or left unchanged and unreformed. I would remind us however if we need reminding, that less than 6% - and falling - are engaged in crime, though certainly it will feel like more if you are plagued by their bad behaviour in your neighbourhood, as I have been at times in my life: behaviour which, I repeat, is unacceptable. But in spite of recent improvements in some of the coverage, and in spite of local and regional press often acknowledging young champions and heroes, much of the national media continues to give out negative and false stereotypes of an entire generation. This is something we must continue to challenge. Young people are mystified, and most are deeply offended by it. But as one said to me some time ago, "We could all live down to that if you want us to."

Most of our children and young people are well parented, ready to face the challenges their lives will present them because they are well cared for, loved and supported by trusted adults, likely to be fine adults themselves because they are already fine young people who are determined to do well and be a credit to their communities. Some of them of course are needier, more challenged and challenging, troubled or in trouble. A small minority are massively damaged, likely to do themselves or others serious harm. It is time we worked together to explore, and to decide what we are going to do about, the issues we face with all of them; to acknowledge there is wholeness and brokenness within our children and young people, just as there is among the adults around them. Time then to celebrate the wholeness, and work out how we use what it looks like to tackle what needs fixing. I am ready to embark both on that conversation, and the hard work involved. I ask that you join me in having it.

I want us to stick with that dialogue, even if it's hard to stay at the table to see it through. I want you to hold me to account as Commissioner for fulfilling the remit of the role I hold, and which so many of you campaigned to institute. I want you to ask me what difference I make, and to expect me to be able to show you. I ask you seek that I will add my voice and strength to yours where our cause is mutual, even if after we have discussed it we find we can't speak with the same voice for fear of hampering my, or your, independence. Most of all, I ask that all of us steadfastly believe in our children and young people, who are the only future we have.

Thankyou.