

## **Dr Maggie Atkinson, Children's Commissioner for England: Speech to National Fostering Agency conference**

I would like to thank the National Fostering Agency (NFA) for this opportunity to speak to you during Foster Care Fortnight. I also want to thank foster carers, through you as you support them, as important contributors to improving the lives of so many vulnerable children and young people. What you do is at the heart of our fulfilment, especially for the most vulnerable, of both the United Nations Convention on the Rights of the Child (UNCRC), and Human Rights legislation.

I want to reflect on what my role is, and what we know about children and young people in care, the majority of whom of course are fostered, in a vast array of tailored parts of the system. As part of what I say I will reflect on the Munro review, the Foster Carers' charter launched in the Spring, and what children and young people say to us and to the Children's Rights Director whose work will become part of the future Office of the Children's Commissioner for England once new legislation is constructed after the review of my office last year.

My role as it is now was created by the 2004 Children Act. It rests on the notion that children and young people need advocacy from a statutory champion leading debates on their rights, through the role's legal powers and moral purpose. The proposals in our review to strengthen the role and increase its independences was confirmed by government in December. It is a statutory role, matched by similar posts in the devolved administrations, Eire, many European nations and further afield.

My published vision is that all children and young people are:

- actively involved in shaping all the decisions that affect their lives
- supported to achieve their full potential through the provision of appropriate services, which they have a hand in shaping
- living in homes and communities where their rights are respected and their responsibilities learned and where they are loved, safe, and
- enjoy their lives, as citizens now.

The views my staff and I gather from children and young people, who are the focus of our work, are best summed up as wanting to understand and participate in their society, and to be listened to and understood by it in return. My purpose is simple and complex at the same time: to express, in your work and mine, our shared adult commitments to the entitlements of our children and young people. What we all do should have a tangible, lasting influence on policy. If we do it well we should have

the voices of those aged 0 to 19, or 21 if they have been in care or have a learning disability, ringing in our ears, including when listening to them is hard.

We signed the UNCRC in 1991. It will be 20 years in November since the government signed it. It is the UN's most signed international human rights treaty. In the work you do with and for vulnerable children in the care system, you are operating in accord with it. Some of its articles are about basic rights, better expressed as entitlements that we must bear in mind whenever we encounter a child. They include the right to a name; to safety; to be educated in the round; to hold a belief and not be discriminated against; to be loved and nurtured; not to have to go to war under age 15; to be tried in a way you understand if you have done something criminal; to be placed in age appropriate prisons, and only as a last resort; to have your right to privacy upheld. The UN holds governments to account for how well we deliver the promises. Let me run a few articles past you as an illustration.

At the heart of all we do, 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. The research tells us that where we are palpably weakest is with those who have the harshest messages to give: those excluded from school, with disabilities or illnesses, those living in poverty, those in youth justice, immigration, legal or safeguarding settings.

Because both social workers and foster carers work with children and young people to whom they must listen to help them, their families, and the rest of the system that intervenes, you know we should listen most caringly, not just carefully, to those who find it hardest to tell us what they need to say. They find it hardest because their life histories are especially complex, and they may be any or all of the following: suspicious, wary, over eager to say what they think you want to hear, trying to guess the right answer to win favour from any adult, or reluctant to speak because they fear they will either betray people they love, or have to relive painful incidents. Your professional awareness that this is the human complexity of what goes on when you work with a child or young person, and that they have to understand your role because you tell them about it in ways they can, is crucial.

The central importance here, in your work and mine, and I'm pleased to say strongly echoed in every stage of Munro, in the Family Justice Review Interim Report and in the Foster Carers' Charter, is the placing of each child's interests first, taking their wishes and feedback seriously. This means working out a bespoke plan for each child which fits their needs, their timeframe, not ours. They need timely decision making. They tell us they seek less constant change, more consistency, less delay, more normalised relationships. For very young children in particular it is essential for

their futures that all the vital decisions about them are made with them, and that work aims both to give opportunities for parents and families to heal what ails them, and to ensure the child has the chance of permanence and security, preferably of course with a family for life. The watchword has to be the child, and a focus on the child's present, as well as future, wellbeing.

Living out Article 12 with our children and young people must extend to all those who help foster carers to do, those who advise on and a support, their crucial work: Social workers are key, as children told us in the work we did to bring children's views to the heart of Professor Munro's thinking. Again, something that is as simple to say, and as difficult to achieve, as that. Do get onto my website and find the considerable work we have done on children and young people's experiences of the safeguarding system. Our latest, with the University of East Anglia, is called '[Don't make assumptions](#)' and was at the heart of what we, and they, told Professor Munro. But there is a lot more, and you would expect me to say it's of very good quality and has potential for use by you. It is all also full of the voices and views of children and young people

Many UNCRC articles apply to the children, young people and families you will work with and support. Article 9 says if children must live away from their parents, all the adults concerned must take account of their views, including the very young or those who need communication help, and also including the children who find it hardest to get care, the adolescents all too easily told they are old enough and resilient enough not to need support or access to nurture. Their voices and views must all be heard. As adults we, not they, must be the ones who take steps to ensure that, if the child wishes, contact with the family is maintained so long as maintaining it does not do them still further harm. Foster carers are of course key to all this work bearing fruit, and their new Charter says so unambiguously..

Article 10 says states have a duty to strive to reunify families that are separated because children are taken between countries by parents who split up. For children who end up in emergency settings, or with short term foster carers as a means of ensuring their safety in some of these difficult and contested cases, the uncertainty and concern a child faces comes with them, and will of course be the prime concern.

Article 18 says parents are primarily responsible for the upbringing, safety and nurture of their children, but that most parents will need support in that parenting to some degree or other, and this support must come from the state. For those of you supporting those who are caring, whose own core aim is to foster children and then reunite families going through hard times and needing help to right themselves, this is of course a central article.

Article 20 says any child deprived of their family and for whatever reason living with others, must be looked after in ways that respect their cultural, linguistic and religious background, back to which many of them will in any case return. A direct echo is found in the Charter. I know this is a subject of long, sometimes fierce debate. My mantra? The adult conversation is vital, but the child comes first, not the grown ups.

Article 21 says that, if a child is placed for adoption, often having first been fostered of course, the reasons must be proven to be the best thing for that child, looking at their interests over as long a term as possible, not only at the immediate future.

Article 25 says that if a child is in public care of any kind, in hospital from general wards all the way to a locked ward in a forensic psychiatric setting, in a hospice or attending a hospital for in or outpatient care, their case must be reviewed regularly and comprehensively, and the child must be involved in that review. You will know complications when a child in care is also physically or mentally ill, disabled, or has already been in and out of placements, is harrowing for all concerned. Children and young people tell us they simply want to be involved in the discussions that determine what should happen next, whether they are well, or facing anything from the simplest to the most difficult of medical interventions. You will know of children whose lives are affected by these difficult personal circumstances. Extreme complexity in such cases places us under a still greater responsibility to ensure we abide by the UNCRC.

Article 39 states all victims, whatever has assailed them whether it is abuse, chaos, fractured families in dire straits, neglect, violence, abandonment, or a mixture of these, and whatever they harm to others they may have done as a result of being harmed themselves, must be properly rehabilitated, properly supported to recover. The responsibility for ensuring this lies at the door of all the adults around that child. Again, simple, and complex.

The Convention, then, of which I can only give a flavour today, gives us a serious set of challenges, but also a set of promises to fight for on children's behalf. If you have a moment at the weekend, get on the UNICEF website, download your copy of the single A4 sheet version, laminate it as I have and carry it with you to refer to for the headlines of its articles. I urge that we all know its precepts, and that as people with power over even small numbers of children's lives, you seek to help the nation to keep the promises in it.

Let me close, before we have at least a brief conversation, by reminding us all of the reality of life in England for most children, most of the time, in 2011. If you do see the exceptions because you work on hard cases supporting foster families dealing with children and their own families in difficulty, let me remind you of the general rule across the population, and remember children number one in four in most communities, and one in three in some.

Most children and young people in this country, whatever their background and family circumstances, are in fact well parented, brought up to be ready to face the challenges their lives already give them and in the future will present, well cared for, loved and supported by trusted adults, and likely to become fine adults themselves because they are already fine young people, and a credit to their communities. Some are needier, more challenged and challenging, even very troubled or in trouble.

A small minority are massively damaged, likely to do themselves or others serious harm. That damage did not come into the world with them. Carers know this even as they have to remind themselves when a difficult teenager in a Treatment Foster Care placement goes through a particularly tough patch, pulling others through it at the same time and testing the boundaries to their absolute limits. Somebody inflicts that damage on them, often as a result of equal damage done in their own lives years ago. Children are not here to feel needlessly guilty about what others have done. Many of these, our most vulnerable children, you and those you support will see in your work, as those in my office and I do in ours. Many of them, if their lives are not turned round for them by adults who do, whereas they do not, have the power, we meet not in care settings, but incarcerated in youth justice ones.

Whenever I talk to a gathering whose main focus is safeguarding and positively changing the lives of children, especially those in the care system who until they encounter your work may have been anything but safe or nurtured, I know I am speaking, as it were, to people on the same side as me. I meet the results of the work done by you and those who foster not only for the NFA but across the piece, for example in localities' Children In Care Councils, including members who have left supportive foster placements or other care settings to enter adult life still supported by the foster carers they have lived with. And that work needs to be recognised.

Through gathering their views and their voices for our contributions to both Munro and the Family Justice Review, we know that children and young people who have contact with the social care system, at whatever levels of intervention, can have some tough things to say about the people concerned. They want what every child wants. Empathy, consistency, veracity, humour, understanding, challenge where it's

due, and support. They want to engage with workers and carers who listen to them as if what they say matters, as equals in human standing and human rights with the adults they encounter. I know you work to balance the need for their nurture with security, professionalism and due process, where everybody understands their roles and how they should be carried out. Done well, lives are changed for the better, are they not?

A brief anecdote to close, that illustrates however briefly some of the joys, and admittedly only hints at some of the challenges. You may have heard of John Timpson, the head of the family firm that mends shoes and cuts keys on the high street. He is as you might guess a wealthy self made man. What you might not know, is that in the course of their long marriage he and his wife have fostered over 90 children, adopting a couple of them and making them co-inheritors of the business with their natural children, one of whom, Edward, is a Conservative MP with an absolute passion for getting things right for looked after children, because he has seen at first hand what their lives can be, good and bad. What you may also not know is that, recognising how many adults who were once in care end up in prison, Timpson's works with the prison system, where there are several mocked up Timpson branches included in those prisons' work on resettlement programmes. The firm also employs some ex-offenders.

I wrote to congratulate Mr Timpson senior when his profile was in the press a year ago and he got straight back by email and in person. This led to a meeting where, in a very self effacing way, he talked about the passion he brings to what he does through these small pieces of social engineering, as well as in his quiet support for a charity called After Adoption. We met for an afternoon last summer, and he was about to do two significant things that summed it up for me. He was to be the honoured guest at the university graduation ceremony of one formerly fostered child; and he was very shortly afterwards giving away the hand of one formerly fostered young woman in marriage, because she could think of nobody better to undertake that vital role. His story is not unique, is it? He is of course replicated by many foster carers who are not prominent figures at all.

I am not naïve: We don't, any of us, get it right for everybody, every time. There are of course placements, and relationships, that do not work out so well. There are issues whenever a family that has cared for a child in place of its parents then have to say goodbye at the end of their time as a family. We can't always satisfy everybody, or win the result we are after. That does not mean what you do is any less vital to the life chances of the children and young people concerned. Who are the people you and I work for, after all, otherwise why are any of us here?