



Department for
Education



The Role of the Children's Commissioner is changing

Have YOUR Say...

Introduction

Last year, **over 700 children and young people** sent in comments to an independent review of the role of the Children's Commissioner for England. The review listened very carefully to what you had to say, and it suggested some important changes, which the Government now plans to introduce.

To remind you what this is all about, here's a link to the Children and Young People's Guide about the review:

www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00573-2010.

What does the Children's Commissioner do?

The current Children's Commissioner is Maggie Atkinson. Her job is to meet and listen to children and young people like yourself, to find out what is important to you and the sort of things that worry you. She then makes sure that the people who take decisions are listening to your views and doing what is best for you.

Why does the Government want to change things?

The review said it was important for children and young people in England to have a Children's Commissioner, but that the role wasn't working as well as it could, mostly because of the way that the role was set up. So the Government wants to make some changes to the way that the Children's Commissioner is able to help children and young people and this will mean changing the law.

What the Government is thinking about changing

A new role, with new responsibilities

At the moment, the law says that the Children's Commissioner's job is to 'represent the views and interests of children and young people'. The Government wants to make this stronger by changing the role to one that focuses on 'promoting and protecting the rights of children and young people'.

Children's rights are set out in the United Nations Convention on the Rights of the Child (UNCRC). The convention is an agreement about the rights that all children and young people should be entitled to, signed by Governments across the world. Some of these rights apply to all children, but others only apply to children who need extra help – such as those who cannot live with their parents. You can find out more information about the UNCRC here: www.unicef.org.uk/Documents/Publications/rightsleaflet2011.pdf.

As well as having a Children's Commissioner, England also has a Children's Rights Director. The Children's Rights Director has a special role to protect the rights of children and young people who live in care, or go to a school away from home. The Government thinks that it would be better to join these two roles together, within one new organisation. At the same time, the Government wants to make sure that those children and young people who live in care, or go to school away from home, still get the support they need. So it wants the law to say that the Children's Commissioner should pay special attention to these children and young people.

Question 1 *Do you agree that the law should say that the Children's Commissioner for England should pay special attention to the rights of children and young people who cannot live with a parent or go to school away from home?*

Comments:

Yes, if the roles have to be combined, we feel it is important that these people receive the extra attention that they need. However we also think this shouldn't mean that all other young people are forgotten or receive less attention than they deserve. It is important that a balance is found between the two.

It's also important to remember that many children and young people who do live with their parents may have very unstable home lives. Although it might be easier to just work with those young people who are known about, the UNCRC applies to all children and young people and this shouldn't be forgotten.

As things stand, the Children's Rights Director can look into the cases of individual children, even if the case doesn't affect anyone else. But the current law stops the Children's Commissioner from doing this for **all children and young people**. The Government thinks that the Children's Commissioner does not have the time to do casework for large numbers of children and young people - there are over 11 million of you! So it wants to limit this part of the Children's Commissioners job to just children and young people who live in care, or go to school away from home - unless it is an issue that affects lots of you.

Question 2 *Should the new Children's Commissioner only be allowed to look into the cases of individual children and young people who cannot live with a parent, or go to school away from home?*

Comments:

No, we feel that this law would be too restricting if the new Children's Commissioner was only allowed to look into certain types of cases. If a case came up where the young person didn't fit the criteria, their case may be rejected and yet be equally as important as a person who fit the criteria.

Of course there are too many young people for every case to be looked into and we agree that perhaps there should be a particular focus on children and young people who cannot live with a parent or go to school away from home. However the Children's Commissioner should protect and promote the rights of all children and young people and therefore not be limited by only being allowed to look into cases of certain groups.

Question 3 *Are there any other groups of children that you think should get more help? If so, who are they?*

Comments:

All young people and their rights should be regarded as equally important and work should be done to protect them and ensure their voices are heard.

However, because of their circumstances, we feel the following groups of young people should be highlighted – whilst ensuring that those young people who maybe don't fit in these groups are not left out:

- **Young people with learning difficulties and disabilities**
- **Young people with mental health issues**
- **Young people in care**
- **Young people not in employment, education and training**
- **Young carers**
- **Young people who are lesbian, gay, bisexual or transgender**
- **Young people who are seeking asylum**
- **Young people who are immigrants**
- **Young people who are refugees**

It seems clear to us that these young people don't have their rights respected as much as others however this list is not exhaustive.

Another **IMPORTANT** change

The Children's Commissioner's role covers all children and teenagers up to the age of 18. This can be increased to 21, if the person has been in care or has a learning disability.

Question 4 *Does it matter that the Children's Commissioner's title only refers to 'children' rather than 'children and young people'?*

Comments:

We think it would be a good idea to include 'young people' in the new name. In our experience young people can feel patronised if they are labelled as children, it sounds like they are being spoken down to.

However this might make it quite long and not as simple and memorable as 'Children's Commissioner' - we think it would be seriously worth considering changing the title though because a lot of older teenagers might be put off.

Giving Young people a say in how the Children's Commissioner works

The current law says that the Children's Commissioner must let children know who they are and how they can get in contact with him/her. The Children's Commissioner must also find out and report on the views of children, especially children who do not have any other ways of making their views known. He or she can also carry out inquiries if they are worried that children's views and interests are being ignored and they want to find out more about the situation. The Government's plan is that when the law is rewritten, these important parts of the job should continue.

The Government also wants the Children's Commissioner to send a report to Parliament each year, to show them what the Commissioner has done to promote and protect children's rights, and how it has spent the money it gets from the Government.

The Government also wants the Children's Commissioner to appoint an advisory board. People on the board will help the Children's Commissioner decide what s/he is going to do over the year ahead and to check how well the Children's Commissioner is doing their job for you.

The plan is for this advisory board to be quite small, but for its members to include people who represent children as well as Parliament and experts in children's rights.

Question 5 *Do you think it is a good idea for children and young people themselves to be members of the board? If so, how should they be chosen? If not, who should represent children and young people's views?*

Comments:

Yes, we think it is highly important that young people are able to represent themselves otherwise it could appear that adults are saying what they feel is best for young people, without taking into account what young people actually want.

These people should be selected in a way that includes people from over the whole country, from a range of ages and backgrounds in order to represent as larger proportion of the population as possible.

We think a selection process similar to that of 'Amplify' would be appropriate (an application form, and selection conference).

Question 6 *What are the main things that the board should do to make sure that the Children's Commissioner is doing his/her job effectively?*

Comments:

Perhaps agree some specific targets at the start of each year which are reviewed again at the end of the year. These could be things that young people want to see happen and ideas could be put forward as to how to achieve them. These would have to be measured and agreed with the Children's Commissioner first.

Questionnaires could be created regarding a certain topic and sent out before and/or after the Children's Commissioner has taken some action to change this situation as this would help to measure the progress made.

The new Commissioner and their office should submit a regular report of what they have done in the previous year and what they plan to do in the next.

Choosing a *NEW* Commissioner

Giving children and young people a say in the Children's Commissioner's appointment?

The review said that children and young people should be given a say in how the Children's Commissioner is appointed. The Government thinks the Children's Commissioner should still be appointed by the Secretary of State for Education, who is the Minister in charge of the Department for Education. But the Government wants Parliament and children to have a much bigger say in who gets the job. This could include being able to comment on the job description, or interviewing the best candidates for the job.

The review also recommended that the Children's Commissioner should do the job for seven years rather than for five years. The current Children's Commissioner can, if they want to, apply for the job again for another five years. The Government can see the benefits of offering the job for a longer period of time and not allowing the same person to reapply for the job. This would mean that the Children's Commissioner would not have to worry about whether they would be chosen again and so could just get on with supporting children and young people. But seven years could be too long, especially if the Children's Commissioner is not doing a very good job.

Question 7 *How should children and young people be involved in choosing future Children's Commissioners?*

Comments:

Some of us have found that in school, students interviewing teachers has worked well, so this could also work for the Children's Commissioner.

Also, if there was a day, where candidates could make speeches to children and young people and then have an opportunity to answer questions, that would be really good.

The views of these children and young people could then inform the decision that the adults make, but their views should be taken seriously and not discounted just because they come from people who are young.

Question 8 *Should Children's Commissioners be appointed to the job just once in their life or is it ok for them to be offered the job again?*

Comments:

We think it would be ok for someone who was doing a good job to be offered the job again. However it shouldn't be automatic. It is better to appoint the person who will do the job the best at that time, regardless of whether or not they have done it before.

Question 9 *If you think they should only get the job once, how long should Children's Commissioners be appointed for: i) seven years, ii) six years or iii) five years? Please tell us a little bit more about the reasons for your choice.*

Comments:

We think 5 years is a good amount of time, as if they're doing a good job – they could go for it again, and if they're not, we're not stuck with them for too long.

What More could the Government do?

What more could the Government do to promote and protect your rights

The Government signed up to the UNCRC 20 years ago this year and is as committed as ever to promoting and protecting children's rights. The changes that the Government is planning to make to the role of the Children's Commissioner are part of this promise, but there may be other things that you think the Government could do to support children's rights. We would welcome your ideas.

***Question 10** What other things could the Government do to support children's rights under the UNCRC?*

Comments:

As the vast majority of young people go to school, we think it would be worth making at least one lesson a year, which pupils have to attend, about children's rights under the UNCRC.

We also think the ways in which children and young people can get information or help and advice about their rights is promoted, but this should be the job of the Government as well as the Children's Commissioner.

This paper is designed to allow children and young people to contribute to the consultation on the Government's proposals to bring about changes to the law that will strengthen the role of the Children's Commissioner for England. It focuses on those issues that we think will be particularly relevant to children and young people. However, if you would like to respond to the main online survey as well or instead, we would very much like to hear from you. The survey can be found at: www.education.gov.uk/consultations.

Thank you for taking time to respond to this consultation.

Completed questionnaires and other responses should be sent to the address shown below by 29 September 2011

Send by post to:

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Don't Forget to

HAVE YOUR SAY

**And help shape the
future for Children in
England**

