



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Plant a Phobl Ifanc
The Children and Young People Committee**

**Dydd Iau, 13 Tachwedd 2008
Thursday, 13 November 2008**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynddi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Eleanor Burnham	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Angela Burns	Ceidwadwyr Cymreig Welsh Conservatives
Helen Mary Jones	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Joyce Watson	Llafur (yn dirprwyo ar ran Christine Chapman) Labour (substitute for Christine Chapman)

Eraill yn bresennol
Others in attendance

Keith Towler	Comisiynydd Plant Cymru Children's Commissioner for Wales
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Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

Tom Jackson	Clerc Clerk
Rita Phillips	Dirprwy Glerc Deputy Clerk
Kathryn Potter	Gwasanaeth Ymchwil yr Aelodau Members' Research Service
Helen Roberts	Ymgynghorydd Cyfreithiol y Pwyllgor Legal Adviser to the Committee

Dechreuodd y cyfarfod am 9.30 a.m.
The meeting began at 9.30 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Helen Mary Jones:** Bore da, gyfeillion, a chroeso i'r cyfarfod hwn o'r Pwyllgor Plant a Phobl Ifanc. Mae croeso ichi siarad yn Gymraeg neu yn Saesneg. Mae modd defnyddio'r offer cyfieithu i glywed y sain yn well hefyd os ydych yn drwm eich clyw. Gofynnaf i bawb ddiffodd pob ffôn symudol neu ddyfais electronig arall—nid yw'n ddigon da eu tawelu, gan eu bod yn amharu ar yr offer cyfieithu a recordio. Nid ydym yn disgwyl ymarfer tân, felly os clywn larwm, bydd argyfwng go iawn a gofynnaf i chi ddilyn cyfarwyddyd y tywysyddion.

Helen Mary Jones: Good morning, friends, and welcome to this meeting of the Children and Young People Committee. You are free to speak in Welsh or in English. The translation equipment can also be used to amplify the sound, if you are hard of hearing. I ask everyone to switch off mobile phones or any other electronic device—it is not good enough to put them on silent mode, as they interfere with the translation and recording equipment. We do not expect a fire drill, so, if an alarm sounds, it will be a genuine emergency, and I ask you to follow the ushers' guidance.

[2] A oes gan Aelodau unrhyw fuddiant i'w ddatgan? Gwelaf nad oes.

Do Members have any interests to declare? I see that you do not.

[3] Gan ein bod yn siarad gyda Chomisiynydd Plant Cymru yn nes ymlaen, fe'ch atgoffaf ei bod yn bwysig peidio â chyfeirio at achosion unigol, yn enwedig rhai sydd, efallai, o dan ymchwiliad. Cawn ddefnyddio enghreifftiau, ond mae'n bwysig nad ydym yn cyfeirio at unrhyw beth sydd, yn effeithiol, yn sub judice.

Given that we will be talking to the Children's Commissioner for Wales later on, I remind you that it is important not to refer to individual cases, particularly those that may be under investigation. We can use examples, but it is important that we do not refer to anything that is, effectively, sub judice.

[4] Hoffwn groesawu Brenin Lesotho, a fydd yn ymuno â ni y bore yma i wrando ar ran o'n trafodaethau. Hefyd, fe'ch atgoffaf ein bod wedi cytuno i ganiatáu i'r BBC fod yma i ffilmio darn o'r pwyllgor fel rhan o'i raglen ar waith y comisiynydd.

I would like to welcome the King of Lesotho, who will join us this morning to listen to a part of our discussions. I also remind you that we have agreed to allow the BBC to be here to film a part of the committee for its programme on the commissioner's work.

[5] Yr ydym wedi cael ymddiheuriadau gan Lynne Neagle; ni fydd Ann Jones, a fu'n dirprwyo ar ei rhan, yn gallu bod yma heddiw gan ei bod yn brysur yn ei hetholaeth. Mae Christine Chapman ar hyn o bryd yn cadeirio un arall o bwyllgorau'r Cynulliad, felly, estynnaf groeso cynnes i Joyce Watson. Diolch, Joyce, am wneud yr amser i ymuno â ni. Yr ydym yn ffodus iawn i gael eilydd sydd yn ymddiddori'n fawr mewn materion plant a phobl ifanc. Gwn y bydd Joyce yn cyfrannu llawer at y cyfarfod.

We have received apologies from Lynne Neagle; Ann Jones, who has been substituting for her, is unable to attend today, as she is busy in her constituency. Christine Chapman is currently chairing another Assembly committee, so I warmly welcome Joyce Watson. Thank you, Joyce, for making the time to join us. We are very fortunate to have a substitute with a great deal of interest in matters relating to children and young people. I know that Joyce will contribute significantly to the meeting.

9.33 a.m.

Arolwg Blynyddol Comisiynydd Plant Cymru 2007-08 Children's Commissioner for Wales Annual Review 2007-08

[6] **Helen Mary Jones:** Hoffwn groesawu Keith Towler, Comisiynydd Plant Cymru. Mae wedi bod o flaen y pwyllgor eisoes, ond nid ers iddo gael ei benodi'n swyddogol. Bydd y cwestiynau mewn dwy ran, Keith. Yn y rhan gyntaf, byddwn yn trafod eich gwaith fel comisiynydd a sut y gwelwch y ffordd ymlaen, ac yn yr ail ran, trown at rai o'r pwyntiau sy'n codi o'ch adroddiad ar bolisi cenedlaethol ar blant a phobl ifanc. Ar ôl y cyfarfod hwn, byddwn yn penderfynu sut yr ydym am weithredu rhai o'r materion hyn gyda'r Gweinidogion perthnasol ac efallai gyda chi, os yw hynny'n iawn.

Helen Mary Jones: I welcome the Children's Commissioner for Wales, Keith Towler. He has already been before the committee, but not since he was officially appointed. The questions will be in two parts, Keith. In the first part, we will discuss your work as commissioner and how you see the way forward, and in the second part, we will turn to some of the points that arose from your report on national policy for children and young people. After this meeting, we will decide how we want to follow up some of these issues with the relevant Ministers and perhaps with you, if that is okay.

[7] Yr ydym wedi darllen eich papur ac We have read you paper and have received
wedi derbyn eich adroddiad; diolch yn fawr i your report; thank you very much for those.
chi amdanynt.

[8] In your paper, under ‘achievements, learning points, the benefit of hindsight and the beginning of a new seven-year term’, you set out some of the ways forward and some of the challenges, but I will start with a retrospective question. Where, in your view, has the commissioner’s office, over the last six or seven years, had the greatest impact on children and young people?

[9] **Mr Towler:** Thank you, Helen. You cannot help but be impressed by the range of issues that the office of the children’s commissioner has taken on in seven years. I will not go through them all, because they are listed in the paper, but when you read through this stuff, you realise what an incredible list of stuff it is.

[10] On major achievements, you could not possibly ignore the impact that the Clywch inquiry had. So early on in the life of the office of the children’s commissioner, it was a huge inquiry. Nothing like that had ever been done before and there was a lot of learning, lots of good outcomes and lots of good recommendations. It was a fantastic achievement for everyone involved.

[11] On ways of working and impact issues, it is interesting, as an incoming commissioner, to get so much feedback about how things could be better. There is an issue about taking a look at the list of achievements of the office, which have been really quite considerable. There are individual children, groups of children and targeted groups of children who have all benefited from the work of the office of the children’s commissioner. Nevertheless, in my mind, some big question marks remain over the effectiveness and long-term sustainability of some of the work that the commissioner’s office has taken on. The first seven years have established working practices, and my major concern has been about how we have focused on individual cases that have really created some significant improvements in the lives of those individuals, but asking whether that has really levered in long-term systemic change for the children who will come after them. That is a major talking point for me.

[12] In terms of the work that the office has done and its effectiveness, I would say that the casework has been very effective. I would say that the policy work has had a dramatic impact on the ways in which we, in Wales, approach work with children and young people and the network of participation around children and young people’s participation. Think back to when Peter set up the office and then look at the networks of participation that now exist, such as Funky Dragon, the youth fora, school councils, the participation consortium and the work of the unit. While the office would not want to claim sole responsibility for that achievement, by any stretch of the imagination, there is no doubt in my mind that the office of the children’s commissioner was a major player in thinking through those things. Those things are significant and important and we should not lose sight of that. However, I am trying to get to grips with an understanding of how we have got to where we are, as an office, and what we need to do now.

[13] **Helen Mary Jones:** Thank you. Eleanor, I think that you have some questions about working strategically.

[14] **Eleanor Burnham:** The questions follow on quite nicely from your statement about taking a more strategic approach and, possibly, a more streamlined approach, and concentrating resources on the areas where you can, in your view, contribute to more positive systemic changes. What are the implications of that more strategic way of working?

[15] **Mr Towler:** I am interested in trying to make the office work in a way that creates a bigger impact for more children, making systemic change possible. I have been very vocal in all the conference opportunities that I have had—and there have been loads of them—saying, ‘I do not see that there is any conflict of interest between being an independent human rights institution, which is what I am, and the ability to work in partnership with others to create that change’. I think that that is an important distinction. The first seven years was about establishing the office and making sure that people understood the role and the independence. I think that the next seven years is about how we can use that independence to best effect. Working systemically and working in partnership are really important. I am just about—

[16] **Helen Mary Jones:** As the lights have just dimmed, I would just like to let everyone know that we are having some problems with the electrics; that was not a sign from the heavens indicating approval or disapproval for the commissioner’s or Members’ comments.

[17] **Mr Towler:** This is not the hook that takes me out of the room. [*Laughter.*]

[18] I have had two or three staff away days and I have been very upfront and honest with the staff team. I have spoken to them about the things that I think that we can do better and how working systemically and working more in partnership means that we are going to have to change the way in which we work. In the next couple of weeks, I will be opening a formal consultation with staff that will take a look at how we are structured, how the teams are working and how effective we are in terms of our working relationships with others. I want to make a really strong point that all of the staff, without exception, are very supportive of the idea of the need for change and they embrace it. Of course, I am talking about a need for change that will review all the job descriptions. I think that the outcome of that will be that some jobs will be deleted and some will be amended, and there will be some new jobs and a different structure. There will be a new way of working. I do not want to go into the details of that here, because I need to do that with the staff team first, and that will happen in the next couple of weeks.

9.40 a.m.

[19] I imagine that we will have a systemic approach that has a corporate plan that clearly outlines what the systematic approach of the office of the children’s commissioner will focus in on, and that will inform annual plans. I realise that this sounds like a very pedantic and obvious point, but by adopting a managed approach I want to ensure that the individual work plans, through to what form the annual work plan and the corporate plan take, are really well managed. I am talking about good, effective people management, real performance management in relation to what that means, and project management—so a completely different approach.

[20] The hard decision-making involved—and why I want to work in partnership—means that I will consult with people when we are developing the corporate plan. I will ask a number of agencies with which I have already had meetings, ‘What’s the fit like? How does this fit with your plans as NGOs? How does this fit with your priorities as local authorities? Is this duplicating anything?’. If there is duplication of anything, I will drop it and we will do something else. We need to make sure that those things are clear. However, once I announce the work programme, one of the big lessons from the first seven years means that, if I say, ‘This is what we’re going to major on; this is the substantive report’, then that is the piece of work that we will run through, conclude and do really well, regardless of the pressure that comes into the office to take on particular issues. If there are big, major things that need to be dealt with, then they will have to be dealt with in the following work programme when the current one has been completed.

[21] There are some tough decisions to be made, but I am not prepared for the office to be

constantly on the back foot and responding to issues and seemingly out of control, because that puts staff teams under huge stress. There will be a systemic change.

[22] **Eleanor Burnham:** The down side of that is that you would be inflexible and unable to respond should other things happen. In any organisation—certainly in politics—things come upon us. The credit crunch, for example, has put huge strain on everybody and their budgets, and everybody’s thinking has had to evolve. If you are talking about operating rigidly, how will you be able to maintain flexibility and responsiveness?

[23] **Mr Towler:** We will build in a certain level of flexibility to be able to respond to things. I certainly do not want for children and young people, families and carers to think that they cannot get in touch with us. I will maintain that commitment and run that work. What I am saying is that there is a whole load of advocacy providers and other agencies out there that can provide the support. One of your later questions may touch on this issue, but if you take a look at the advice and support service, you will see that this year we are signposting nearly 48 per cent of our cases straight away. Working in partnership is about asking whether the office of the children’s commissioner needs to intervene in the lives of these children and young people at that point. So, we need a much clearer description, and to think about the effective use of the office of the commissioner.

[24] Children and young people tell me that they want things resolved locally, so signposting and working in partnership with a local authority or other organisation means asking them whether they take the work on and asking them to feed back to us to let us know how they are getting on, but it does not mean that we are intervening in a major way.

[25] **Eleanor Burnham:** The last in this series of questions is about your key partners. Apart from the local authorities, who will they be, and is there any potential conflict with your role as an independent human rights organisation?

[26] **Mr Towler:** I have just had a first meeting with the All Wales Children and Young People’s Advocacy Providers Group to look at this casework example and think about ways in which we can develop a memorandum of understanding and protocols. I have had meetings with Children and Family Court Advisory and Support Service Cymru and other agencies, and the joint inspectorate teams, to explore how we can develop a closer and better working relationship.

[27] You mentioned the credit crunch, and this is also about the best value for public money. There have been instances when my office has not communicated as it should have with a number of other agencies that have legitimate roles in this area, and we need to increase the level of communication. We also need to ensure that we do not duplicate work and waste public money by both doing the same activity to no real result and end. So, there are a number of partners in this process. The important thing is that, in all of the discussions that I have had with external agencies, I am pushing at an open door in how people would want to respond to the invitation to work strategically. It is an interesting debating point, but I take the view that working in partnership does not compromise my role as an independent human rights institution—I think that partnership is about respecting individual roles. I have not seen anything from any discussion with a statutory or voluntary provider to tell me that people do not understand and respect that role.

[28] **Helen Mary Jones:** Before I bring in Angela Burns, may I pursue two of the points that you made, Keith? One point is in relation to setting those strategic priorities. You have talked a lot about the organisations and institutions that you as an office have been talking to in recent months, but how will you ensure that the strategic work programme addresses the concerns of children and young people, because they may be very different from what we as a committee or the other statutory or non-statutory organisations you are talking to or what the

adult world generally thinks is important?

[29] **Mr Towler:** The committee will be aware of the frameworks and networks that we have with children and young people, such as the ‘What Next?’ events that directly inform the way in which the children’s commissioner devises the work programme. There are also advisory groups of children and young people in north and south Wales. I have arrived at the point at which one particular cohort of young people has come to an end and there is a new cohort coming in now. All of that will continue to drive forward children and young people’s views on the work programme. That will be essential to the way in which we develop the programme, and that is where some of the tough decision-making needs to come on board. I do not know whether or not we will talk later about school toilets, for example, but school toilets is still right up there as a major issue for children and young people, as is bullying. So, those networks that we run within the office will continue.

[30] I am also interested in trying to maximise what organisations such as Funky Dragon, youth fora and school councils are saying. I have just returned from a tour of Wales to meet school councils and youth fora, and some very consistent messages emerged from children and young people. On how I will structure my office, the big question for me is whether or not I need teams of people working on participation in the way that we have previously done, or could there be a greater reliance on those networks of support, where children and young people get involved in that. So, there are new ways for the commissioner to start thinking about how children and young people can influence the work programme, but that is still a primary objective in setting those objectives. That has to be there.

[31] **Helen Mary Jones:** Thank you. My second question may be better answered in response to Angela Burns’s question, so I will bring Angela in and, if I need to, I will come back to my supplementary question.

[32] **Angela Burns:** Thank you for your paper. You talk about balancing individual case work and wider systemic advocacy in the paper, and you say that,

[33] ‘The office has always been ready to help when it can, but in my review I shall be looking at whether there is a case for having a degree of detachment as far as approaches requesting intervention or reviews are concerned. Other organisations in Wales have responsibilities and some powers of compliance’.

[34] Will you explain a little more clearly where you think that this degree of detachment will begin and end as far as children are concerned?

[35] **Mr Towler:** The important point with all of this is local resolution to presenting issues for children and young people, their families and carers. If children and young people use my office as the first port of call to try to get something resolved, we will not turn them away—that is an important point to make. However, in terms of the partnership work, there is a signposting opportunity to make sure that those things happen in a locality in which young people are comfortable. We have recently introduced a new system in the casework where caseworkers will flag up individual cases that come to our attention where we think that there is an opportunity to undertake a review or a piece of work where we might be able to take forward a systemic advocacy approach that says ‘Here are some presenting issues, this is a pattern that is emerging, could we do a piece of work that tries to stem the flow of these types of complaints and queries?’ In trying to take those issues on, the thing about other people with legitimate roles in all of this is what local advocacy providers can achieve and what inspectorates can think about the next time they do a particular inspection? We could try to influence and inform that, if we had greater working relationships. Taking forward a systemic approach is all about trying to lever more positive change for children rather than having a constant focus on individual cases without thinking about what the systemic opportunity there

might be thereafter. There is an art to that. However, in terms of establishing clear working practices for this second seven-year term, that is a much better use of resources, much more effective for children and young people, and we should be able to see a real outcome focus to that in the long term, rather than a constant knee-jerk reaction to presenting issues. Does that help?

9.50 a.m.

[36] **Angela Burns:** It answers it in part, but I will press you on this a little. As you are aware, this committee produced a report on advocacy, and we are keen to have independent advocacy for children, but we do not have that. That concerns us. I feel that the one saving grace, as far as Wales is concerned, is that we have a children's commissioner, and you are, therefore, the final independent advocate. So, when I read this, and hearing you talk about the changes and plans that you intend to implement, there is an awful lot of organisational and management speak, but I am seeking reassurance from you that your only reason for existence is children, and that an individual child can make a phone call, or I can make a phone call to your office, which I have done, on behalf of an individual child, and know with complete confidence that you will not shrug it off to any number of organisations. No matter what anyone says, from the experiences of my casebook, I can tell you that there are children out there with organisations, some of which are partners of yours, that are supposed to be helping them or looking after them, but that are doing a rubbish job; they are not being successful or they have let a particular child down. You must be the ultimate umbrella for those children, because if you are not, there is no-one else.

[37] **Mr Towler:** Absolutely. I am not suggesting that we would do anything other than what you are asking. You have that absolute assurance. What I have recognised, however, and it is why I use management speak, is that my organisation cannot cope with its current stress levels, without a structure that allows my staff to work in a way that supports, develops and nurtures them as workers. We cannot maintain that pitch. Ultimately, that will fail the children that both you and I are concerned about, so, I must sort out the organisational structure. I must ensure that those staff are supported, so that they can do the job that they need to do. We need to ensure that individuals who are let down, as you described it, will always be able to rely on the children's commissioner to intervene on their behalf. I am not saying that that will not be there. It will be there, but I need to sort out a structure for my office that nurtures, develops and supports my staff to deliver the support that children and young people need.

[38] **Angela Burns:** I appreciate the pressures that you are under, and I can understand that you are facing situations where people come to you as the first port of call, rather than the last port of call.

[39] **Mr Towler:** We get calls asking what time a leisure centre opens. We get a whole range of stuff. With those sort of mainstream calls we would tell them to go straight to the leisure centre. However, we will not turn away those that we are talking about, namely the most vulnerable children, who require intensive support, development and help. We would like to work in partnership with other providers to ensure that they respond in the way that they need to, and if that fails, we will pick it up. That will always be there.

[40] **Angela Burns:** I am relieved to hear that, and I understand your desire to make systemic changes to the way that we take care of our children in Wales. Thankfully, in Wales, we have not had the situation that they have just had in England with Baby P and the 60 visits he received in eight months from the caring services. I reiterate that point because I have met a number of children who do not have real advocates, and it is a great concern that there is no truly independent advocacy—someone who will take the part of the child 100 per cent. I completely agree with the Chair's comments about how some of your outcomes and

objectives may not match with some of your partners', because they will have an adult perspective not a children's perspective. Therefore, we are pushing you to reiterate that your one and only focus is to take the child's point of view and not on creating some wonderful integrated organisation that has lost touch with the core roots of this.

[41] **Mr Towler:** Absolutely not. The uniqueness of the office of the children's commissioner will remain, but one of my concerns—as you will have picked up in the paper—is that the lessons of the first seven years are that we cannot maintain that level of working with the stress and sickness levels that have resulted in my office. I would not be fulfilling my duties as a caring employer if I allowed that to continue. Therefore, I need to find a balance that enables staff to be working in a situation that develops and nurtures them so that they can be the best that they can be for children and young people. That is the balance that I have to strike.

[42] I have been in this job for some eight or nine months seeing the fantastic work that the office gets involved in, be it individual cases or other work. There are some great people in my organisation but the organisation needs some tender loving care.

[43] **Angela Burns:** Thank you.

[44] **Helen Mary Jones:** Before I call on Joyce Watson, I think that some very important points have been made about resourcing the office. I want to press you slightly more on this partnership thing. You know what I think about partnerships: that they can sometimes be very effective and sometimes they can be a recipe for mutual irresponsibility. Going back seven years, one of the reasons why the Assembly wanted to establish the children's commissioner was because we wanted complete independence. I think that you would acknowledge that your role, for example, is more independent of Government than the children's commissioner in England can be.

[45] I absolutely agree that you should develop more effective partnerships and that you should not be duplicating work. That is my point of view. Wales is a small country and we all tend to get to know each other when we work in a particular sector. In developing those partnerships—and to pick up on Angela's points—when one of those partners is fundamentally failing a child or children, how will you, as an office, ensure that there is still that rigour in the relationship so that, if you need to, you can investigate an advocacy provider that, for example, has been excellent with every other child but has clearly failed a child that comes to you? How will you build that rigour in? If that relates too much to the new staffing structure that you are talking about, perhaps you may need to come back to us on that. However, that is a key issue because we need you, as opposed to all of the other providers, for your independence as well as the fundamental point that you must be on the children's side regardless.

[46] **Mr Towler:** Absolutely. I have had only initial meetings with potential partners on the way of working but that is why this idea, whatever we call it—terms of reference, memorandum of understanding, whatever it is—has to establish what the role and independence of the children's commissioner is and that any partnership that I take forward does not preclude me from using my powers, if I need to, in relation to an individual case. The early discussions that I have had suggest to me that there is no agency that works with children and young people that, first, does not understand why my office is there, that, secondly, does not respect that role, and that, thirdly, would not be very disappointed if we did not do something if we had a concern. The important thing is to establish the basis of the partnership. We are still in the early days, but I think that we can establish that.

[47] On the kind of feedback that I am getting, I am encouraged by the fact that people want the office of the children's commissioner to succeed. That encouragement is there and

they want it to succeed because they believe in the independence of the role. I take the point about ensuring that we are very robust about being clear about that, but I think that the support is there across the field in terms of working with children and young people, to ensure that that will always be there. While that is there, I am not precluded from engaging with particular partners and asking, 'How can we create this change? How can we focus on outcomes for children and young people?'. When we can do that well and do it together, we should do so. I think that we can build that in, but these are still early days. Perhaps I can come back to you on that as we develop it.

[48] **Helen Mary Jones:** I think that we would appreciate that. Joyce, you have some questions about resourcing, do you not?

[49] **Joyce Watson:** Yes. I just want to get my head clear on a final bit in this regard first. I can see that you can be part of a partnership. We all know why the children's commissioner was set up.

10.00 a.m.

[50] A child died in my council ward within three months of my election as a councillor. It was caused by systemic failure. I wonder how you see your role on that; I see you with a dual role, ensuring that children have all the things that have been mentioned, but possibly also acting in partnership with service providers. Perhaps you could provide an avenue for them when they think that things might be going wrong. They could explain that they are not able, in particular circumstances, in a particular time and place, to deliver those things, which will mean that the case will eventually end up with you, at the highest level. Do you think that you can facilitate that dual role? Unless it is facilitated, the voice of the child, and the voice of the service provider—who can sometimes see things going wrong and who might have tried to blow the whistle, but who has not been listened to—will not be heard. Is that the kind of role that you might be able to help with?

[51] **Mr Towler:** Yes. Even in my short time as commissioner, I have seen that happen in practice. We get calls from professionals and approaches from all kinds of people who want to indicate where things are going wrong or badly wrong. Some of them, of course, do not want to be quoted or identified, but they want to ensure that we know about their concerns, so that we can be informed in any decision-making or action we might take. So, I would say that that happens now—primarily through the casework calls that we talked about. You will see from the statistics that it is parents, carers and professionals—in other words, adults—who get in touch with us, in the main. So, it happens already, and it needs to continue to happen.

[52] **Joyce Watson:** Thank you, Chair—I just needed to clear that up.

[53] Moving on to resources, the office of children's commissioner, as we all know, was set up seven years ago and has responded to many external pressures. You have gone through them this morning and said that your staff are under pressure. The hope that the organisation would be able to grow further was not predicated on a flat-line budget and may now be planned differently as a result. We have heard about the review that the commission is undertaking. What are the implications of the organisational review for existing staff, and for existing workstreams, on the basis of the flat-line budget?

[54] **Mr Towler:** We know that we have the flat-line budget, and we know what our position will be for the next three years. With regard to the commitments that we have made within work programmes, we will honour those and see them through.

[55] I am the accounting officer for the money—that is the bottom line. I have to come up with a structure that can work within the budget that I am given. That is one of the

requirements placed upon me. It means that I need to look, within the review, at whether I can live within my means over the next three years. I went to an internal audit committee yesterday on the back of an external audit showing that we have good, robust financial management systems in place, that we manage our budgets well, that we work to mitigate and reduce expenditure wherever we can, and that our controls and balances work well. It is reassuring to me, as the accounting officer, to know that those things are in place.

[56] As for living within my means, that is a big issue for me, and I need to think carefully about how I deploy my resources. At the moment I spend the majority of my budget on people, and that limits my ability to commission research or second people to undertake particular pieces of work. It limits my reach, so I have to cut my cloth accordingly, and that is part of the review. Again, there is a balance to strike about how effectively I can use my funding, and that is part of the review process. It is about how I use my resources to best effect, which is why I mentioned earlier that, if I am duplicating work, or taking on a piece of thematic work that replicates what someone else is doing, I need to know that. I might not need to do that piece of work, and I could save that bit of resource and deploy it elsewhere. That is why a bit of partnership working and increased communication would help: it would enable me to make the best use of the resources that I have.

[57] **Joyce Watson:** How does your budget compare with those of the other UK children's commissioners?

[58] **Mr Towler:** I am not entirely sure that the comparisons across the offices are that meaningful. As Helen said, the commissioner for England, for example, does not have anything like the powers and responsibilities that I have. They are very different offices, so I am not entirely sure that that is the way to look at it. The Paris principles, which align with clear United Nations recommendations on how the offices of ombudsmen and children's commissioners should be set up, make very strong points about the funding of offices. I am on the horns of a dilemma about how my office is funded. I would not want to argue for increased funding from the Welsh Assembly Government if I thought that that money was being plundered from a budget for schools or for looked-after children. I think that the Welsh Assembly Government and the Westminster Government need to take a long hard look at how children's commissioners' offices are funded. If it is about plundering money from services delivered directly for children, it should not be happening. We, in the Office of the Children's Commissioner for Wales, stick very closely to the Paris principles apart from that on the funding issue. I am not sure whether it is helpful to look across all the commissioners' offices, because we are all pretty much as a likeness, to be honest.

[59] **Helen Mary Jones:** You may be aware, Keith, that those are some of the issues that the committee raised with the Minister in the budget round, and we will want to return to them, because the Assembly and this committee have high expectations of your office. However, I completely take the point that you do not want to see increased resources if that is at the expense of, for example, the national advocacy unit and the local advocacy providers, or whatever.

[60] Eleanor, I believe that you have some questions on evaluation.

[61] **Eleanor Burnham:** Indeed I have. Keith, how do you think that the findings of the recent independent evaluation of your office have shaped your thinking on taking your role and that of the office forward?

[62] **Mr Towler:** It is fantastic timing for me, as an incoming commissioner, to have the evaluation work coming to its conclusion. Nigel Thomas and Mandy, the researchers on this piece of work, and all the children and young people who have been involved in the evaluation, have done a brilliant job. We have their final draft. We are looking at all the

recommendations, which form part of the review process. In the next two or three weeks, I hope to publish that evaluation with my response so that we are very clear about how I am responding to the report's recommendations, some of which are very strong. They are very consistent with matters that Funky Dragon has raised as part of the reporting process to the UN Committee on the Rights of the Child. For example, it is of huge concern to me as the incoming children's commissioner that so few children know about the post or about their rights. There are some very strong recommendations about the visibility of the office and its functions. There is some very good stuff in there. There are clear recommendations about the emphasis on looked-after children, for example. So, all of that is being taken into account in the review that I am working on. As I said, the timing is perfect for me as an incoming commissioner. I had the opportunity to meet with the young people and the researchers in that period between being appointed and starting as commissioner, and I have also met with them subsequently. So, I think that I have a pretty good understanding of what they felt the strengths and weaknesses of the office were. It has been incredibly helpful.

[63] **Eleanor Burnham:** Do you see a role in helping to enhance your visibility through schools and other partnerships?

10.10 a.m.

[64] **Mr Towler:** I have just finished a tour around Wales, which was partly an immediate reaction to what that evaluation said about our visibility, but was also a big learning curve for me, because I think that I might have pooh-pooed this before, to be honest. Children and young people recognise Keith as the commissioner. Those children and young people who met Peter previously will remember him and will talk to me about Peter. The learning curve for me is how important the individual face is when you are trying to tell children and young people about the commissioner and about rights—that this is the children's champion, and he looks like this, but, in seven years' time, it will be someone else. So, the learning curve for me on that tour was about the individual and about selling this around the individual face. Primary school-aged children in particular really latch onto that.

[65] There is also a recommendation about increasing visibility, namely that we should be more high-street based. My office is currently on an industrial park in Llansamlet in Swansea. I do not think that there is much that I can do about that given the lease arrangements that I have inherited. However, I have just bought a display unit van, which is branded and looks fantastic, and, hopefully, you will see it around soon. We will try to use a variety of mechanisms to increase our visibility. We run an ambassador programme in primary schools, where two children act as the children's commissioner's ambassadors, taking forward issues within schools, looking at what child rights could mean for them in the school setting, and looking at the role of the commissioner. We want to expand that so that we get ambassador schools working in every local authority in Wales. Where they are working at the moment, the benefits seem to be huge. I have gone to ambassador schools, but also to others, and people are very keen to take on much more effective links with the children's commissioner. To come back to the learning curve for me, so many of the schools that are doing this have latched onto the individual commissioner, because that is what is meaningful to children.

[66] Increasing visibility is also a massive issue for me. If we get it right—and at the end of the first seven years, visibility, recognition, and understanding of the commissioner and the rights of the child are still quite low—and if we can raise the bar on that, the result will be that we get more calls into the office.

[67] **Eleanor Burnham:** Are you also hoping to increase your visibility through schools councils?

[68] **Mr Towler:** Yes, I have already met lots of school councils. I would not say that I

have done it in a systemic way, which I probably need to look at. However, as the children's commissioner, I doubt whether I will get around to visiting every school in Wales—well, I know that I will not—but we can certainly be a bit cleverer to make sure that we go to new schools each time and all those things. In the last month, school councils have raised similar issues with me. So, if I have been into one school toilet, I have been into all of them—whether they are great school toilets because they have been refurbished, or whether they still stink to high heaven. I have gone into school toilets and seen that they have no cubicle doors. Children and young people are using me as an opportunity to put pressure on their teachers to sort such issues out. That picks up on Helen's earlier point; it keeps it real for me as a commissioner. In my restructuring, I need to understand that I am not the manager of this organisation; I am the outward-facing person who spends all my time directly around children and young people, and lobbying others to do something about the issues that they face. I have learned from the tour that I need to make that a personal priority.

[69] **Eleanor Burnham:** Moving on, have you undertaken any benchmarking exercise with the other UK commissioners, or do you not feel that that is important? You have already said that the role of the commissioner in England is restricted compared with yours.

[70] **Mr Towler:** It is restricted, and the environment in which the commissioner for England works is completely different from mine and is even—dare I say it—reasonably hostile. I do not get that feeling in Wales. On benchmarking, Nigel Thomas has taken forward the first evaluation in the UK of a commissioner's office. There are no evaluations of other commissioners' offices to compare. My colleagues in England, Scotland, and Northern Ireland are interested in the evaluation, because they have not gone through anything like that. It raises questions for me about the way in which I continue to evaluate the performance of the office and what kind of priority I should give to that. I think that I should give a big priority to evaluating the office's future performance. On setting benchmarks, I will take that forward in discussion with the other commissioners. However, at present, there is not much that they can give me in return.

[71] **Helen Mary Jones:** Thank you, Keith. With Members' permission, I propose that we take a short, 10-minute break to get some coffee. Are Members content with that? I see that you are. We will reconvene at 10.25 a.m.. We will then go into some more of the issues that you raise regarding policy, Keith.

[72] **Mr Towler:** Okay. Thank you.

*Gohiriwyd y cyfarfod rhwng 10.15 a.m. a 10.26 a.m.
The meeting adjourned between 10.15 a.m. and 10.26 a.m.*

[73] **Helen Mary Jones:** Hoffwn **Helen Mary Jones:** I would like to restart the meeting.
ailgychwyn y cyfarfod.

[74] I extend a warm welcome to His Majesty King Letsie III of Lesotho—I hope that I pronounced that correctly—who has either joined us in the public gallery or will be joining us in a moment. His Majesty is interested in your work, Keith, as children's commissioner, and we have provided him with a copy of your report; thank you for making an extra one available.

[75] Having spent the earlier part of this meeting concentrating predominantly on your future plans for the commissioner's office and on your evaluation of the work so far, we now have some questions based more specifically on this year's annual review.

[76] Previous annual reviews have included percentage figures about gender in terms of the children and young people to whom you have provided advice and support. This report

does not publish that information. Are you still collecting those data and, more broadly, are you satisfied with the range and nature of the data that you record?

[77] **Mr Towler:** Yes, we are recording those data. In preparation for this, I did some searches on those data, so I will forward those to you. However, I will give you some headline figures: in 2007-08, 48 per cent of the advice and support calls related to girls and young women and 52 per cent related to males. So, we collect those data.

[78] On how we collect that, Peter Clarke, the first children's commissioner, was keen to look at how we record data to ensure that the office did not ask intrusive questions of children. So, if it is a telephone call, we can ascertain whether the call is from a male or female, but we cannot ascertain ethnicity. So, casework advisors know not to ask certain questions when answering calls and not to be intrusive in that way. We focus on supporting the young person, and we do not routinely collect all of that information. I have looked at the data and we have a job to do in terms of our data recording system rather than what we collect. I am clear that we collect good data, but the issue for me—which again takes us back to our earlier conversation about my living within my means—is ensuring that I have a system that analyses those data as I want it to; we are taking a look at that now.

[79] One of the things that I want to do is try to analyse trends across local authority areas. One thing about the data is that we need to know what questions we want to ask of those data, and we need to set up our system in a way that enables us to retrieve that information. So, I have asked a series of questions, and I have a lot of information here that I will send to Tom. That is in addition to the information in the annual report. We can get that information, but we need a better system of retrieval, and we need to be clearer about the questions that we want to ask of it. If we can—and I think that we will be able to—spot those trends across local authorities, it will be a powerful tool and, going back to systemic advocacy and so on, that will enable us to think about what we can do in certain areas. So, we will have issues in relation to education, social services and child protection and so on, but we will also have a map, and that will be very effective.

[80] **Helen Mary Jones:** Thank you. Joyce, do you have a supplementary question on this?

10.30 a.m.

[81] **Joyce Watson:** When I saw this question, I thought, 'It is okay knowing whether we have boys or girls, but that will not tell us how we are going to progress anything in terms of those children'. The obvious question for me is about where these children are coming from. Is there an authority that you keep having referrals from? That authority could be local government, a health body, the police and so on. I understand that the Welsh Assembly Government is commissioning a new data collection system, which you have heard of, and which will probably be a more valuable tool for you. It is about systemic failure and your role as the umbrella body for those people—acting as everyone has asked you to do—and being the ultimate advocate on behalf of children and improving things. This goes back to my earlier question. If people on the inside are asking you to change the systems, it will all hinge on this data and evidence gathering, so it is critical. Are you going to look at that new system that will allow you to do this job and will you be implementing it fairly soon?

[82] **Mr Towler:** The answer to the question is 'yes' and, we are actively looking at implementation. I am pretty comfortable with saying that we will sort this out in the next few months. I think that it would be worth it if we came, at some point, to share with you the kinds of questions that we want to ask and the way in which we want to identify trends. In terms of looking at what the data gives us at the moment, we get calls from all over Wales, and there are all kinds of issues around that, and not just in terms of where the failures might

be, because there are also issues about why we do not get calls from particular parts of Wales. There is an issue about the visibility of the commissioner and how much the children, young people and their families know about their rights. There are a number of ways in which we can interrogate the data. It is not just about failure, it is also about saying, 'It is very quiet over there. Why should that be?'. There are a number of things that we could pick up from that and, for me, it is all about a focus on outcomes. I have said a number of times that I think that we have the policies and the strategies in place, and this is now about trying to identify what the blocks are to making sure that children and young people get the services that they deserve and have an absolute right to. There has to be a focus on outcomes and practice. We could start to try to tease that out through the kinds of ways in which we interrogate our data.

[83] **Helen Mary Jones:** We will want to come back to that policy-practice gap in a moment, but I think that Eleanor has a question on some of the things that have been coming through from the casework.

[84] **Eleanor Burnham:** Yes, I have a question on bullying. We know that there is a lot of bullying, but I must say that there has been a noticeable reduction in the percentage of cases related to bullying, which is obviously very reassuring. Do you have any evidence about the reasons for this supposed reduction?

[85] **Mr Towler:** No, not really. Bullying has been a fairly consistent issue throughout the whole operation of the children's commissioner's office. I cannot really outline why there has been a reduction. I can give you some of my feelings on why I think that that is the case, but I do not really know the reasons why, to give you a full answer to that.

[86] Bullying is the No. 1 issue that children bring up. There are two No. 1 issues, so it is a joint issue of bullying and play, but bullying is still right up there in terms of what children and young people talk to me directly about. When I get an opportunity to meet them, they will talk about bullying, but they will talk about it in a number of ways. Primary school children will talk about bullying, what the school does about it, how it is resolving things, what buddying systems look like and how they will all support each other. I do not have as many conversations with secondary-school-aged children about bullying, but I do have conversations about fear with them. There is a really interesting dynamic about how children and young people are articulating it. Younger children will talk about being fearful of teenagers, and young people will talk about adults being fearful of them, so you have a circle of fear. However, in identifying what bullying is, there is a much more open discussion with primary-school-aged children than with secondary-school-aged children, in my experience.

[87] **Eleanor Burnham:** Are you therefore doing some work in your strategic thinking on this? Obviously, if it is the No. 1 issue—

[88] **Mr Towler:** It is likely that education-related issues will be high on my list of things to do, and bullying will probably feature quite largely, as will the issue of fear. I am interested in picking up both of those issues.

[89] **Angela Burns:** In your report, you talk at length about the reality gap, about there being a deficit between policy and practice. You acknowledge the fact that the will is there and that organisations, Government, politicians and so on having good intentions, but you say that we are not actually making it happen. Do you think that this is a feature that is particular to Wales and our set-up here? How can you address the issue?

[90] **Mr Towler:** The policy-practice gap is a huge thing. When I was part of the commissioner's team that gave evidence to the UN Committee on the Rights of the Child, we talked a lot about the gap between policy and practice. The UN committee's concluding observations recognise the fact that Wales has done a very good job on policies and strategies

and in its approach to the CRC and the way in which all that is embedded.

[91] As for whether this is unique to us or our particular issues, the blind spot for the UN committee is whether Wales having all the policies and strategies, talking the talk, and seeming to do very well, is making the slightest bit of difference to vulnerable children's lives. The answer to that, in many cases, is 'probably not'. In terms of our collective heightened sense of awareness about that, we have an opportunity to do something about it. The way to do it is to have a focus on outcomes, as we were talking about.

[92] I think that some of you were present when Lucy Smith, the UN rapporteur, visited Wales as part of this reporting process. I was very struck by her comment, following Rhodri Morgan's speech that evening, when she said, 'I am looking out at you—the Government, the Assembly, the non-governmental organisations, Funky Dragon, the children's commissioners and others—and you are a perfect model for taking forward children's rights. If you cannot do it, nobody can'. In other words, we collectively have the will, and we have to harness that, because we are letting so many children and young people down.

[93] I will give you examples of some of the things that I have seen in my short time in the role. I met Gypsy/Traveller children on Rover Way and talked to them about their experiences. I have been to a young offender institution in Ashfield, which does a fantastic job for children who, nonetheless, should not be there. There is the matter of children and adult mental health services provision. There is also the issue of school toilets, which we talk about all the time and yet children still do not go to the toilet during the school day. A child of 14 told me the other day, 'Do you think the teachers have understood why the water fountains are still full of water? They are still full of water because we do not drink during the school day'. These are practical, real and fundamental problems.

[94] Are these issues unique to us? I doubt it. Do we have the opportunity to sort it out? Yes, we do, and we need to do that.

[95] **Angela Burns:** You touched on the issue of Gypsy/Traveller children and the general areas where we are failing. There is also the whole issue of children's rights with regard to asylum and immigration. When you find and identify these rights, and then make representations in that regard to Ministers, what responses do you get with regard to how we can take the children's rights agenda forward?

[96] **Mr Towler:** I would have to say that I have always had a receptive response. I know that it is early days for me, but I have had discussions with Jane Hutt about particular issues, and she has always been really keen to understand what it is I am saying and how we can take things forward. I have had very good discussions with senior civil servants and others about those kinds of things. However, there is inevitably a tension because the Welsh Assembly Government will ask us to bear with it a little while it tries to sort something out, and I will say, 'I understand that, but what are we going to do about the fact that these children are still not getting their rights?'. You mentioned unaccompanied asylum seeker children. There is the issue of tertiary education for young people who, having lived in the country for several years, have Welsh accents and yet still cannot access university education. That is a critical problem. Jane Hutt has said that she is sympathetic and wants to do something about it, but nevertheless we are still not seeing that coming through. The audience is receptive, but the application can sometimes be very slow.

10.40 a.m.

[97] **Angela Burns:** If we were to incorporate the United Nations rights of children's charter into law, would it make a difference?

[98] **Mr Towler:** It would make a huge difference.

[99] **Helen Mary Jones:** Before I bring in Eleanor Burnham on youth justice, which Keith's report is very strong about, I have a supplementary. In terms of whether it is a specific problem in Wales, is it your perception that there is an issue—we are talking about a relatively small public community around children and children's rights—that we are being too nice? Is there a lack of rigour somewhere along the line? Is that part of the problem?

[100] **Mr Towler:** It might be part of the problem. For example, Lucy Smith says, 'If you cannot get it right, there is something wrong here'. If we have that collective will and we understand what our roles and responsibilities are—as you have done with me in asking about my office—it is that type of rigour that we require. So, we can be very sympathetic with people who are failing but we must address the failures if we want to see that through, and a bit of rigour would not go amiss. Children and young people's direct involvement in that rigour would also not go amiss.

[101] **Helen Mary Jones:** That is helpful.

[102] **Eleanor Burnham:** I am a former magistrate, and I am still appalled about the lack of youth facilities in my region of north Wales, and I receive calls about it all of the time. I am meeting with some judges next week. You highlight youth justice as a particular concern, which you mentioned earlier. What concerns you most about youth justice in Wales, and can you expand on your view that the responsibility for youth justice and the secure estate should be devolved? We used to visit youth in Stoke Heath well over the border in England, where they do not have the facilities. In terms of a possible new prison, it has been talked about as a complete suite for all types of different people, including youth. What are your views on all of this?

[103] **Mr Towler:** You will not be surprised to know that I have strong views about youth justice because of my background. We have a youth justice system that does not comply with the United Nations Convention on the Rights of the Child, to pick up on Angela's previous point. So, if we looked at some of the wishy-washy soft-centred stuff, the application of article 12 in the youth justice system—

[104] **Helen Mary Jones:** Can you remind us what article 12 is?

[105] **Mr Towler:** Article 12 of the UNCRC states that children and young people should express their views in decisions which affect their lives. I do not see very much evidence of that in the youth justice system. Youth justice should use custody as a last resort, which is certainly not happening. We have a very productive and healthy approach in Wales to anti-social behaviour orders, and we do not use them as much as parts of England. Nevertheless, we still have ASBOs, which escalate children into the formal custodial system.

[106] Then there is the issue about the mosquito device. There are all sorts of issues. The numbers involved in the youth justice system are manageable in relation to the argument about whether or not it should be devolved. If you look at the numbers going into the secure estate, young people are going into the young offenders institutes in Ashfield or Stoke Heath and we have proposals for new prison builds for vast prisons—a 900-inmate prison is a huge institution, and that is not a caring institution. Most of us would probably take the view that we need secure provision in north Wales, but that should be a family, care-based secure provision. If you look at the numbers and the argument around the numbers and the management of the youth justice system, we have youth offending services in Wales that major on preventative work. We have a youth offending strategy, which is being refreshed at the moment, which focuses on preventative ways of working. We have 500 or 600 children and young people going into custody every year, but we could probably reduce that number

by 50 per cent over the next five to 10 years if we had control of the system. In other words, the management of the secure estate could be dropped down.

[107] We need to approach this at a Westminster level. If you look at the operation of the youth justice system across England and Wales at the moment, you will see that it is failing, because of the custodial figures. There is no other reason: it is failing. The Youth Justice Board for England and Wales must take a fresh look at what it can do. Why not think about—I have always thought this—managing youth justice systems locally? In Wales, we have all the structures in place to pilot an approach to see whether it is possible for Wales to manage its own youth justice issues. If it were, you could think about replicating that in the west midlands, the north-east, London and the south-east of England. That is an important point, when you think about what the Westminster arguments need to be. In other words, we could try it.

[108] **Eleanor Burnham:** I visited a wonderful institution, which is small and independently run, and I mentioned it to Jane Hutt, which is a little place called Branäs in Llandrillo. It is in a fantastic rural setting, and it takes in kids who have been heavily excluded, and have been, or are likely to be, in the youth justice system. I thought exactly the same thing. It has a caring staff, with highly qualified and very able therapists and so on. I am sure that you are right. This concerns us all.

[109] My other question was to do with the negative stereotyping of children and young people. Some of us are parents—we may not be perfect—and we are concerned, because this affects our kids. We are not a caring society. In my humble opinion, this should be one of your key roles. We must be much more child friendly in this country. I will stick my neck out and say something that may be radical: when more women are involved in senior positions to do with policy development and policy areas, we might have a better system, because we are mothers. We know how we want our kids treated should they happen to fall by the wayside.

[110] **Helen Mary Jones:** Watch the gender stereotyping; I can think of some female politicians who did not demonstrate that in the past.

[111] **Eleanor Burnham:** Indeed. However, I will stick my neck out on this. I was lucky enough to be asked to write an article for Richard Brunstrom's magazine before, unfortunately, it became defunct. I wrote about this issue of negative stereotyping, because I feel strongly about it. I was a magistrate, and I think that we are failing in this area. With your help, I am hopeful that this situation will be greatly improved in five years, because we are creating an enormous amount of concern, and an extra burden financially and otherwise on society.

[112] **Helen Mary Jones:** Perhaps we could explore some issues around negative stereotyping and what we can do. Joyce, do you want to comment specifically on this before Keith answers? It might save us some time.

[113] **Joyce Watson:** It is particularly on this, and goes back to working together in partnership and building things up. I am the chair of a youth work project, and have been for 15 years. We have built up capacity for the children in a way that they understand and, I would argue, without doubt, have prevented some from ending up in the system. My question to you is on working together and getting policy into practice. We hear grandiose statements from local authorities, here and elsewhere, about how we must improve services for children. Yet, if you look at youth provision, certainly in local authorities, it is the poor relation without exception. When you do your overview, when you work in partnership and make representations on behalf of young people, will you express, as forcibly as you can, your concerns about that? It starts there, and it builds all the stereotypes, because children are forced on to the street, where they become very visible and the whole cycle starts.

[114] **Helen Mary Jones:** I think that you want to add a point on this, Angela. You can see that the issue of negative stereotyping and perceptions of children and young people exercises this committee greatly, because we see it as the root of many of the other problems.

[115] **Angela Burns:** It is about the marginalisation of young people. Tomorrow, I will visit a group of young people at a school, as part of a programme to try to talk to them about politics, politicians and why they need to be involved in society. These are not children with obvious issues, they are standard children—regular kids at a regular school, doing regularly well. Yet they feel hassled, intimidated and bullied, not by each other, although that goes on, but by us, the grown-ups, the people who are supposed to be caring for them. They are marginalised. They do not want to grow up to be politicians, bankers, doctors or journalists. My third point is to address how the media always portray children.

10.50 a.m.

[116] **Eleanor Burnham:** Particularly local papers.

[117] **Angela Burns:** Kids hang around. I hung around as a kid. It is what children do. It does not make a gang of children hanging around on a street corner bad, but, my goodness, they are pilloried from here to kingdom come. The awful result is that they look at our society and say, 'Actually, we don't want any part of that'. Therefore, at 17, 18 or 19 years old, they are holding back. If we ever get them to be re-engaged again, in their twenties, thirties or forties, perhaps, we have wasted all of those years and we have created an enormous vacuum in our society. This whole marginalisation of children really concerns me. We are doing it to them; they are not doing it to us.

[118] **Mr Towler:** I could not agree more with everything that you have all said. That has been really helpful and reassuring because, in terms of positive images and trying to do something about this negative stereotyping, my view is that in terms of a thematic way of working, the children's commissioner is uniquely well placed to do some work on this. I see that as something that will live throughout my seven-year term. We are talking about turning around the Titanic. If we are to talk about positive images of children and young people, celebrating what they achieve every single day—and I do not just mean educationally; I mean all of the things that children and young people do—we certainly need to reverse the dynamic. I come back to the point that I was making earlier in terms of fear. Children and young people, in particular, talk about adults who do not like them moving them on. If they have not had a direct experience of the mosquito device, they know about it, and they are appalled by the idea. It is a Welsh invention.

[119] The whole thing about how we view children and young people is massive. Children and young people talk to me about it all of the time. I am uniquely placed and I am very keen to do something about this and will make an undertaking to you, as a committee, that I will make this a No. 1 priority for my thematic work: that we will do something on this. Some of that, I think, will be about celebrating what children and young people achieve, getting that into the media and targeting local press. In the October tour that I did, we targeted local press. We got the local press engaged, which was great. We had some really good coverage of things that children and young people were doing in a variety of ways. Many but not all interviews will then almost always come back to saying, 'Yes, but we had problems around here with young people gathering and doing such and such, and there is very little for them to do'. As a community, we instinctively kind of immediately assume the worst of that group of children and young people that are hanging around behind the Spar, because there is nowhere else for them to go to meet. We have to do something about raising the bar about this.

[120] I have had a number of conversations with members of the public in all kinds of

settings where people will be very angry about youth annoyance, but when you start to engage in a conversation asking, 'Are you a mum?', 'Are you a dad?', 'Do you have children?', you start getting a much more sympathetic hearing and responses like, 'Yes, you are right; we need to do something about this'. Turning that attitude around will take a lot of work. I am very keen on trying to do something on that and I would be really keen to work with you.

[121] On the media point, I think that you are absolutely right. I am also interested in how children and young people access news and information. I have had very interesting discussions with the BBC, which is recognising that children and young people, for example, are no longer tuning into scheduled television programmes. They will get things when they want it on whatever mechanism they use to get it—I need to understand that more. However, I am very interested in how they access news and information, because on a number of levels, we have young people and older generations moving apart; we have people accessing news and information in very different ways; and we do not have good services and facilities for young people, what we would call universal good provision for children and young people. I have mentioned it in the annual report and I will take it on—this thing about sustainable funding. I have visited some brilliant projects that are doing unbelievably good work and I have been really inspired by what I have seen and the discussions that I have had with workers as well as with children and young people. However, I will be leaving somewhere and someone will say, 'Keith, my contract runs out in March and I don't know whether this project will be here in April, so it would be helpful if there is anything that you can do to influence so and so to do something about it.' There are people hanging on in there and doing that work because they believe in it, but having no guarantee that they will be in a job come 1 April.

[122] Joyce, you said something about these services being the poor relation. This is the extent to which we are frontloading crisis intervention and putting all of the funding in there, and not really thinking about the way in which we can stem the flow to it, by ensuring that youth provision is well targeted, funded and supported. I am very keen to talk this one up, because I think that everything that we talk about, such as child poverty, vulnerable children and so on—the whole kit and caboodle—is all influenced by how we, as a society, view our children and young people. That sets the context.

[123] **Helen Mary Jones:** Thank you, Keith. I am sure that, as a committee, we are glad to hear you say that. If there are ways in which we, as a committee, can support your work we would want to do that.

[124] Angela Burns wants to come in briefly on this issue, but I ask committee members to be mindful of the fact that we have 30 minutes of the meeting remaining and we have five questions that we would like to get through. So, let us please ask our questions in as punchy a way as we can. Most of us are going on to the launch of our committee report at the end of this meeting, so we must not run late for that.

[125] **Angela Burns:** In fact, I just want you to agree and say 'yes' to the following statement: if we adopted the United Nations Convention on the Rights of the Child, some of Eleanor and Joyce's points would go away, because if we were to treat someone who was a woman, black or homosexual in the way that we treat some of these children, everyone would be up in arms and they would be protected by the full force of the law. However, because children are not protected in that way they are treated so and people can get away with it.

[126] **Mr Towler:** The answer to that is 'yes'. We must do that and apply all of the pressure that we can to make that happen.

[127] **Helen Mary Jones:** Amen to that.

[128] **Eleanor Burnham:** Before I was elected as an Assembly Member, I used to deal with excluded kids across north-east Wales, and, like Joyce, I have chaired a group of excluded youngsters and we worked with forestry, horticulture and so on. Are you satisfied that the Assembly Government and local authorities are acting upon the recommendations made in your unofficial exclusions report?

[129] **Mr Towler:** The short answer to that is 'no'. In terms of that report, again picking up on Joyce's point, it is about whether people have the confidence to pick up the phone and call my office or have a discussion with me when things are not going right. Unofficial exclusions are still going on and I am concerned about it because it is collusion. There are still discussions going on between schools and parents with the schools saying something like, 'You know that it is not in his interest for him to come back here'. That is still happening. We still might not get to hear about it until someone has been out of education for six months or more.

[130] **Eleanor Burnham:** There is a great deal of evidence that exclusions happen for good reasons. Schools are trying to maintain or develop their targets and want to be seen to be better than they would be otherwise as a result of some disruptive pupils who need proper help.

[131] **Mr Towler:** Absolutely, but, as Angela pointed out, if the United Nation's Convention on the Rights of the Child was adopted into domestic law, there would be a right and an entitlement to education regardless. You get only one chance at childhood. You can come back to education as an adult if you want, but this is about childhood and the kind of childhood that we want for our children in Wales. Should we be taking the view that children are failing the educational system or should we be saying that the educational system is not meeting the demands of these children? That is what we should be doing, and we should be using the UNCRC as the mechanism for making that happen.

[132] **Eleanor Burnham:** I used to say that to the excluded children that I used to work with—that they had been failed. We must ensure that they are not failed.

[133] **Helen Mary Jones:** That is right. This may be something that the committee may want to take up with Assembly Government Ministers, because it seems to me that when children are unofficially excluded and, therefore, not getting any alternative support or education, they then become vulnerable to a whole load of other things, such as abuse or offending. So, if the commissioner is telling us that the Government is not acting on that report, we will need to take a long hard look at that.

[134] Keith, you have mentioned school toilets many times today. *[Laughter.]*

[135] **Mr Towler:** I am sorry about that.

11.00 a.m.

[136] **Helen Mary Jones:** I was just about to say that this inevitably raises a laugh, but I have family experience of a young person making themselves ill because they would not drink during the day because of the state of the school loos. The 'Lifting the Lid' report came out in 2004, in direct response to comments from children to the first children's commissioner that school toilets were one of the worst things in their lives. What is your view of the fact that the Assembly Government did not respond to that until 2008? What is your view on that response? Given the length of time that it took, is the Government responding adequately?

[137] **Mr Towler:** The WLGA is doing a scoping exercise to try to find out the state of

school toilets. I have had conversations with the WLGA and have been genuinely encouraged by what it wants to do, and I am supportive of that. I was bemused when I became children's commissioner about the 'Lifting the Lid' report and the Assembly Government's response to it. There seemed to be a dispute about whether that report made recommendations that required a response or an action. I was bemused, and your expression tells me that you were bemused, too.

[138] **Helen Mary Jones:** I am bemused.

[139] **Mr Towler:** I am disappointed at the slow response to the concerns raised in 'Lifting the Lid'. People laugh about this, and it is a light-hearted point, but it makes the case: children and young people who know about the children's commissioner and about the 'Lifting the Lid' report, call me the toilet man. They identify me as the toilet man, and I can tell you that, from all the schools I visit, I know the difference between Armitage Shanks and Doulton, and where the sewers go. Children know all that, and they point it out to me.

[140] I am very disappointed at the slow pace, but encouraged by what the WLGA is doing. However, I am fed up of going to schools and being taken by children and young people to see the toilets because they are so awful. This is an issue of fundamental respect. It is a rights issue—a clear rights issue. Children and young people deserve a school environment fit for the twenty-first century. This is a fundamental example of where that is not happening. If we cannot get this right, we cannot get anything right.

[141] **Helen Mary Jones:** The clerking team has just shared a piece of news with me that I am sure you will be pleased to hear, Keith: the Enterprise and Learning Committee is to take this issue up in 2009, and will follow up on the report from the previous commissioner and on the Government's response. As a committee, we would want to put on record the fact that we are glad that it is doing that. It is a fundamental rights issue, and those kinds of lavatories would not be tolerated in a workplace—the Health and Safety Executive would shut them down tomorrow. Yet, because these people are under the age of 18, they are expected to tolerate conditions that no worker is expected to tolerate.

[142] **Eleanor Burnham:** You may remember, Chair, that my party recently tabled a motion for debate in the Chamber on toilets. On one hand, as you say, people laughed, but on the other, Dr Dai Lloyd spoke with gravitas on the issue. If the toilets in schools, communities and on trains—as I keep mentioning—are in dire condition, it is a problem. They are absolutely vital, because where—

[143] **Helen Mary Jones:** It restricts people's freedom and access—you are absolutely right.

[144] **Eleanor Burnham:** There is also the health factor.

[145] **Helen Mary Jones:** Yes, it also has a health impact.

[146] **Mr Towler:** I am reassured to hear the news from the clerk—that is fantastic. To make one brief point, children that are bussed in to school leave the house at 7 a.m. or 7.30 a.m., and they get home at 4 p.m. or 5p.m., and they have not been to the loo all day; they have not drunk water all day.

[147] **Helen Mary Jones:** As I said, I have family experience of a young person making themselves ill as a result. We cannot tolerate that in the twenty-first century.

[148] Joyce, you have some questions about another long-standing area of debate—emotional wellbeing and child and adolescent mental health services.

[149] **Joyce Watson:** Your report welcomes the national suicide prevention action plan but, once again, the issue of what you describe as ‘unacceptable inadequacies in CAMHS’ is raised. Have you seen any improvement in the provision of services to support children’s and young people’s emotional wellbeing? What is your assessment of the adequacy of the Welsh Assembly Government’s response to your repeated calls to improve CAMHS provision?

[150] **Mr Towler:** I suppose that the disappointing answer is that I have not seen any improvement in the provision of child and adolescent mental health services. I will tell you a tale: when I went to the young offenders’ institution at Ashfield in Bristol, I met young people on the hospital wing from both Wales and England. The young people from England had care plans, and people were very clear what was going to happen to those young people when they came out of custody. They had very challenging behaviours and acute mental health needs—there was no doubt about that—but there was a plan for addressing those. There were two young men in that place who had equally challenging behaviours and mental health needs with no care planning. I asked staff at Ashfield why that was the case and the answer, I think, speaks volumes. They said, ‘The trouble with you lot in Wales is that you are all arguing over who should pay the bill, and we can’t get sense out of you’.

[151] It is reassuring to me that there are staff in a young offender institution in Ashfield who talk about care, addressing emotional wellbeing, doing the best that they can, and trying to get staff from Wales to work directly with them in a young offenders’ institution. It is an appalling set of circumstances. We know that there are children and young people in Parc prison, for example, who will be transferred to Ashfield, because there is nothing beyond tier 1. These people have acute mental health needs. So, to answer that question, no, I have not seen any progress on that.

[152] On adequacy of response, the suicide prevention action plan is a good thing. It is well overdue and should have happened ages ago. However, we have it now and we have to make it work. With regard to improving wellbeing, the sort of things that children and young people are talking about come back to the discussion that we were having—the UNCRC, the child poverty debate, universal service provision, agencies recognising their role in, and responsibilities for, emotional health and wellbeing, and it is about trying to find a language that children and young people understand.

[153] When you talk to children and young people about child and adolescent mental health services, it goes over their heads. If you want to have a conversation with young people about mental health and you ask, ‘What does mental health mean to you?’, young people will come back with a whole series of negative viewpoints and words that none of us would want to use, because they think that it is nothing to do with them. However, if you talk about being happy, having fun and having a smile on your face and that contributing to your being emotionally happy and your emotional wellbeing, you can find a way of working with children and young people and making them understand that this is important to them. So, there is a preventative element to this that we are not clued in to. When we do have acute need or we do need tier 2, 3 and 4 services, there is no access to this stuff. So, is it an adequate response? It is a beginning, but it is not yet adequate.

[154] **Helen Mary Jones:** Committee members, I know that we are going to discuss further how we want to take forward the issues that the commissioner is raising with us today, but I am fairly appalled to hear that, and I know that that anecdote represents a pattern. I think that we will want to take this up very vigorously with Ministers. There is extra money in the system, and we need to look very carefully now at how it is going to be used.

[155] **Mr Towler:** The point that we are raising on the youth justice debate is that if we are in the middle of the youth justice board looking for secure provision for north Wales, which I

think we are, we cannot divorce that secure provision from the support needs of those children. We cannot have young offenders' institutions ending up as dustbins for people whose needs cannot be met elsewhere. That is a very strong point.

[156] **Helen Mary Jones:** I think that that is right, and that is happening, of course, as it is with adult prisons.

[157] **Mr Towler:** That point is not being negative about those people who are working in those institutions, because they are doing the best that they can with those young people, but they will tell you that they should not be there.

[158] **Helen Mary Jones:** That is not what the institution is there for.

[159] **Mr Towler:** They do not have the skills and expertise, but they are doing the best that they can.

[160] **Helen Mary Jones:** Angela, you wanted to raise a question about some other very vulnerable young people.

[161] **Angela Burns:** You talk about doing the best that you can, and I see that you talk about vulnerable children as a distinct group in your report. You have expressed an awful lot of concern about how vulnerable children are being treated. What is your assessment of the Government's strategic response to improving outcomes for looked-after children over the past year? I would be very interested to know not only your view of the Government's strategic response but where you think we could go beyond that.

[162] **Mr Towler:** On the way in which the Welsh Assembly Government wants to take this forward, I have had conversations with civil servants, and I am reassured by the overall thrust of this. It is right that we do not just pathologise the behaviour of vulnerable children but think about children and the family context. That is good and that needs to be supported. It is one of those issues though, particularly in relation to looked-after children, that comes back to this policy-practice gap and divide.

11.10 a.m.

[163] I have had several discussions with groups of looked-after children who talk about clear practical things that are just not happening to them. For example, in school settings, having vouchers for school dinners, and all the other things that we would have been talking about 10 or 15 years ago that identify a child as being looked after are still happening: the stigmatisation, the breakdown in foster placement, and moving around school and educational bases after having built up friendships. These are very basic things for children and young people. Those are the things that they have been talking to me about with some anger about how we respond. I suppose that this comes back to your point, Helen. Everyone who works with children and young people, whether in a health, education, or social services setting, has a responsibility towards children, but are we being robust enough in asking questions about a school's responsibilities when we focus on looked-after children? I do not think that we are. We focus on social services and perceived failures, but this is about children living in the community, in family settings. All the agencies that have an impact on that child need to understand the support needs of those children and need to be sensitive in a way that is blatantly not happening.

[164] **Angela Burns:** Can you expand on that slightly, because when we looked at children not attaining well in education and the impact of poverty, the responsibility of those working with the child in a school setting came across to us strongly. I have heard people in this room say that it is not the job of teachers to do anything but teach. I believe in the old style where a

teacher's role also involved pastoral care, or whatever you choose to call it. Could you expand on your view on the teacher's role with regard to children, particularly those children who may be vulnerable?

[165] **Mr Towler:** Schools are at the heart of local communities. They have an academic mission, yes, but you cannot divorce them from their place in a local community. They are the No. 1 institution for children. Every child and young person, however dysfunctional their family, understands what primary and secondary schools they will go to. They know that route-map because it is local to them and they understand it. They are at the heart of a community's life. If you are at the heart of community life, it does not matter what the support needs of children and young people are; you have a responsibility to respond. They cannot divorce themselves from those things.

[166] **Eleanor Burnham:** How do we change attitude? I think that it was one of the unions that was strongly against implementing what we have just been discussing. As I said, my work used to involve picking up the pieces of some wonderful youngsters who had been discarded by the system, so I feel very strongly about this.

[167] **Mr Towler:** I have visited schools and had discussions with some great schools—and I am not being critical of schools across the board, because there is some fantastic work going on. Headteachers and teachers are battling to hold on to particular children, to advocate on their behalf and to do some fantastic things to support children and young people. However, that is all in spite of the local education authority and not because they are supported by the LEA. Everything comes down to relationships, the charisma of individuals, and the ethos that the headteacher wants for the school. I have met some wonderful headteachers who will take those battles on and will deliver that kind of support. However, it must not be in spite of LEAs. That is the point. The fact that it is a fight to secure that for children is fundamentally wrong. If headteachers, teachers, support workers and others go out on a limb to defend something without being supported, that is also wrong.

[168] **Angela Burns:** Quite a few teachers will not go out on that limb; that is the evidence that we received, particularly in the secondary school setting. It is very much a case of their thinking, 'I am here to deliver my history, geography, or mathematics'. The fact that a child comes into class with a bruise on his head, or is wearing shabby clothes, or is doubled over with stomach pains goes straight over their heads.

[169] **Mr Towler:** You cannot divorce that. It is not acceptable at any level. I was alarmed to read in the *Times Educational Supplement* the other week that a big percentage of teachers want to bring back smacking and corporal punishment in schools. That came up when I was on my tour. I talked to teachers in staff rooms, and they asked me who these people are. Who takes that view? There is a strong undercurrent that is pulling all this apart, and I think that it is an abdication of their responsibilities.

[170] **Eleanor Burnham:** Quite frankly, if it had been right at the front end, we would not need to be in this situation where kids have got way beyond and they cannot be—

[171] **Helen Mary Jones:** That is one reason why we have asked to have a specific recommendation on this in our report—which we will be launching later—and on all teachers' roles regarding pastoral care. I was just about to mention that, and I should not, because the report is embargoed. Did you want to ask a supplementary question on this, Joyce?

[172] **Joyce Watson:** Yes. I noticed that you mention corporate parenting in your report, Keith. I have always beaten the drum about corporate parenting, because I used to be a councillor. We have talked about the fact that you cannot divorce yourself from your

community, and, if you are an elected local councillor, you are delivering local services, and you have to understand that it is critical that you are the corporate parent. It should be paramount in your training when you first walk through the door. You must ensure at all times that you know where looked-after children are, how they are being treated, who is reporting back, and whether you are happy with everything that is being offered, including education, healthcare, and everything else. This is a huge challenge. Corporate parents should be the champions of these children in every case. They would then provide those services because they would understand their role, and they would take it seriously.

[173] You have raised this issue, so you obviously have concerns about it. I know that newly elected councillors get a whole programme of training, and that there are children's champions now in authorities. However, what I really want to know, because I am not convinced about this, is how you will drive that agenda forward. This is the biggest obstacle facing children throughout the country. This is about local delivery, and about understanding your role in that local delivery, and everything falls from that.

[174] **Mr Towler:** I could not agree more with the points that you make, particularly on corporate parenting. Looked-after children tend to be viewed very much as a children's services or a social services issue, and it gets parked there. If you are in a local authority that has just come out of the bad end of an inspection, there is almost an attitude of, 'We are focusing it over there'. So, regardless of the corporate parenting issue, what is interesting about local authorities, and the departmental shift, is that they are working in silos. That is why isolating children's budgeting is so important. That is a separate point, but it is really important.

[175] I agree with you on that point. I will take away some thinking from this discussion about what we can do to influence the corporate parenting agenda. I was encouraged to see the introduction of the UN Convention on the Rights of the Child on the personal and social education curriculum. However, schools take that forward differently, depending on the school. So, there are a few ways in which we can raise awareness. We have been talking as an office about whether we should put time and effort into that PSE curriculum, so that we can say to schools, 'Here it is, go and deliver it'.

[176] We could take similar thoughts about the induction of councillors as corporate parents. When you sit down and talk to people about this, they begin to understand it, but they then become scared witless at the responsibility. That is understandable, because it is probably the most significant role that they have as councillors.

[177] **Helen Mary Jones:** Yes, it is a daunting role. Maybe your office could do further work on setting a national standard for the training and what it should mean.

[178] **Mr Towler:** I will take that back, because I might think about that.

[179] **Helen Mary Jones:** Thank you. I believe that Joyce has a question on play and recreation.

[180] **Joyce Watson:** Yes. I will be brief, as I know that we are running out of time.

[181] **Helen Mary Jones:** No, we are doing okay.

[182] **Joyce Watson:** What would your office like to put in place to ensure that children's rights to play are realised?

11.20 a.m.

[183] **Mr Towler:** Wow. Ten minutes are not enough to answer that question. *[Laughter.]* As I said earlier, children have two big issues: bullying is one, and play is, unbelievably, right up there. All children talk about play, and about a lack of play places. This is non-scientific evidence, but it does give me clear illustrations. I have had various discussions on this with school councils, with whole year groups and whole schools, sitting in big halls. These discussions take the form of me talking to children and young people, engaging them in a debate. I do not ask what they think about play; I just let the discussion flow and see where it leads. Inevitably, it leads to play.

[184] In all the sessions that I have done, I simply say that I will ask them a question in two parts and they need to show me their hands to answer. I ask them to think about the play opportunity that they want, and whether they want to play indoors or outdoors. So, first I ask those who are in favour of playing indoors to put up their hands, and some hands will go up and then we will have a bit of a discussion about computers and PlayStations. Then I ask how many would like to play outdoors and the overwhelming majority will shoot their arms up in the air.

[185] In the staff room afterwards, teachers are surprised by how many children want to play outside. That surprises me, because, when I was a child, the best play experience of my life was saying goodbye to my mum after breakfast and seeing her again when I got home hungry, but between those times, I would play on the streets, in the parks and have a fantastic time. I would take risks, negotiate with other children, and build dens and all that kind of stuff. That is the kind of play experience that most of our children want today. To come back to the negative stereotyping point, the danger is that so many children do not get the opportunity for free play because, as a society, we call it anti-social behaviour. It is not; it is part of childhood. What do we want a good childhood in Wales to be? Play is a massive part of it.

[186] I spoke the other day to Mike Greenaway, the director of Play Wales. I do not know whether you know him, but he has made a film on play experiences, which is a film of children and young people playing. He wanted to film children playing in a number of settings. It is a great film, so, if you get an opportunity to see it, please watch it, as it is brilliant. However, afterwards, he said that the trouble with the film was that they did not get any footage of children playing in the street, and that was because they could not find any examples of children playing in the street.

[187] I have used this example many times, but an eight-year-old girl in Ceredigion asked me whether it was against the law to play outside her house. It is a serious question. I said, 'No, it is not', and I asked her why she had asked me that, fully expecting her to say that she lived on a main road, but, as she was proud to tell me, she lived in a cul-de-sac. The sun did not shine in the back garden, only in the front garden, but her mum would not let her go out the front to play because other adults did not like children playing outside. That was an eight-year-old in rural, beautiful Ceredigion, in a safe part of the world. That is the level of fear of allowing children out of our sight. There is nothing wrong with children having free play—climbing up a tree, falling out of it, grazing their knee, and having those experiences. We must stop mollycoddling our children; we must enable free play.

[188] **Eleanor Burnham:** Put simply, there is the fear of paedophiles, but there are also now health and safety rules, and schools do not even allow conkers to be played. If you have other people's children to look after, their parents may have different, overrestrictive demands. I know that you do not have much time, but I just wanted to raise that point.

[189] **Mr Towler:** I agree. I was struck by what is going on in some of the Scandinavian countries in their parks. They are ripping out tarmac to make room to grow bushes and trees. They are installing swings and rope slides. People go around ensuring that things are tied up

properly, but children go there to play. An overwhelming amount of our money on play provision goes on soft bouncy surfaces for children to land on. We have got this fundamentally wrong.

[190] **Eleanor Burnham:** I noticed recently that, somewhere in Europe—and I think that it was Portugal—there were areas in the middle of towns for certain types of ball games to be played. I cannot remember what the games were called, but it was somewhere for young people to go and play.

[191] **Mr Towler:** Instead of having signs saying, ‘No ball games here’, we need signs saying, ‘Please, play here’. We need to allow children the opportunity to play. We constrain that behaviour and then we ask, ‘Why are they acting up?’.

[192] **Eleanor Burnham:** As the children’s commissioner, would you be able to apply a bit more common sense, perhaps in relation to health and safety rules on playing with conkers and other forms of child play?

[193] **Mr Towler:** In answer to the previous question about positive images of children and provoking a debate about what childhood is, part of that is about saying, ‘We have got to take this on’.

[194] **Helen Mary Jones:** With regards to health and safety, I would say that one has to be careful about the things that one reads in certain London newspapers. I am yet to discover the location of the school that banned the conkers, just as I am yet to discover the EU regulation that says that bananas have to curve at a certain angle. There is an element of scepticism to be introduced in relation to some of them, but as an example, it is worth taking note of.

[195] Mae’n rhaid mi ddod â’r cyfarfod i ben. I must bring the meeting to a close.

[196] I thank Keith Towler for his evidence, given in the written reports that he has provided us with and in the very frank discussion today. As a committee, we will need to consider how we will take forward, with Ministers, some of the issues that Keith has brought forward. The broader agenda about improving the perception of children and young people is very much on this committee’s agenda, as you will have seen from Members’ responses, Keith. We will do anything that we can to support what you are doing.

[197] The other thing that is very much on our agenda is the gap between practice and delivery. That is why some of us committee members are about to take ourselves off to the parenting centre in Barry to launch our report on how effective, or otherwise, the Government’s targets are in relation to the role of the education service in delivering on getting children out of poverty.

[198] Thank you very much, Keith. I know that this is the first of many formal meetings that we will have with you. I think that you can expect from us what we expect from you, which is positive partnership, but robust challenge if needed.

[199] I will just remind Members that the transport will be leaving at 11.30 a.m., which is in a few moments. We will consider in our next meeting how we want to take these issues forward. I thank all the staff, as always, and I thank Joyce—it is always good when we get a substitute to a meeting who knows so much about the issues; we are very grateful for that. I also thank our colleagues from the BBC for being so unobtrusive—I frequently forgot that you were there, which is not what journalists always like to hear, but, in this case, we are very grateful. If all filming of committee meetings was like that, I think that committee Chairs would be more prepared to allow filming in the room. Thank you all very much, and we will

see you very soon, Keith, I am sure.

Daeth y cyfarfod i ben am 11.27 a.m.
The meeting ended at 11.27 a.m.