

Children and Young People Committee

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The Children's Commissioner for Wales: achievements, learning points, the benefit of hindsight and the beginning of a new seven year term

Introduction

This paper has been prepared at the request of the Chair of the Children and Young People Committee and is intended as a concise summary of what I believe to be some of the key achievements of the office of the Children's Commissioner for Wales (CCfW) since the appointment of the first Commissioner, Peter Clarke, and during the period since the organisation has been fully operational. This is not intended to be an exhaustive list, but an overview.

I shall also outline some of the key learning points from the first seven years, including things which, with the benefit of hindsight, might have been done differently. It must be acknowledged that the organisation has responded to many of the learning points during that period, but my appointment as the new Commissioner has afforded an opportunity to address matters holistically and to develop an organisational structure and approach to the role of CCfW which will ensure the maximum impact on children and young people's lives in Wales.

In the period since I was appointed I have focused primarily on two aspects. The first is the need to raise the profile of the Children's Commissioner and the office more generally among the public and children and young people. I have now completed my first "Time to talk - time to listen tour", visiting schools and projects in every local authority area in Wales.

My second focus has been on the organisation. While some restructuring had gradually taken place over preceding years, I am currently developing proposals for consultation with staff and working inclusively with the Senior Management Team and others to develop a new corporate plan. A fundamental characteristic of the new approach is that it will be more strategic, will embrace working in partnership and will develop themes or focus areas designed to improve the effectiveness of the office in contributing to positive change for children and young people. I am aware that my vision for my period of tenure as Commissioner must be delivered within the financial constraints of my budget. There are therefore some difficult decisions to be made.

Overview of achievements since organisation was established

I took up post on 1st March 2008, exactly seven years after the first Children's Commissioner began his work and approximately 6 years since the first permanent team of staff joined the organisation. While it is easy with hindsight to reflect on what has not been achieved and think of ways in which performance could have been improved, it must be recognised that the task of establishing a brand new and unique organisation is not an inconsiderable one. In addition, the relatively small team of staff joined when pressures and external expectations of the office of the Children's Commissioner for Wales were exceptionally high. When you consider the volume and range of work that has been undertaken, you cannot fail to be impressed. Yet the feeling remains that by becoming more focused, efficient and effective the impact and public perception of such achievements could be greater in future.

Within a few months of coming together, Peter Clarke and his team had already:

established a major public inquiry - the "Clywch Examination".

begun work on their first policy review, consistent with the role for the office envisaged by Sir Ronald Waterhouse in his report "Lost in Care."

launched a Wales-wide logo competition which attracted over 4,000 entries to establish a strong, child friendly and bilingual corporate image.

commenced work on "Lifting the lid: the state of the nation's school toilets", in response to concerns expressed to the Commissioner about the poor standard of toilet facilities in schools.

undertaken participation work with children and young people, meeting with reference groups of vulnerable, marginalised and hard-to-reach young people and establishing consultative groups to look at website development, production of materials and ground rules for communication with children and young people.

In addition, the office was dealing with advice and assistance work on individual cases, running workshops and sessions with children and adults, responding to consultation documents and responding to the interest of the media in the work and views of the Commissioner.

Work undertaken subsequently includes:

publishing "Children don't complain ..." - the report on the second review of children's advocacy, complaints and whistleblowing, this time looking at Local Education Authorities

a second report based on children and young people's views, "As long as I get there safe", which looked at safety on school buses

launching Backchat/Atebnôl, an email survey group for children and young people.

piloting and introducing the School Ambassadors' scheme in primary schools throughout Wales

research with children and young people on initiatives and approaches to tackling bullying and awareness of anti-bullying policies

launching Freephone and free text numbers to make it easier for children and young people to contact the Advice and Support service and the team in general

attending events and Eisteddfodau to raise the profile of CCfW, gather views and information and promote all aspects of the organisation's work

delivering training on children's rights and role of the office, including to FE colleges throughout Wales and to many organisations working with children and young people

revising the ways in which a dialogue is maintained with Wales' children and young people, including the development of a new framework for involvement involving a process of identifying and prioritising issues through "What next?" events and online

developing and supporting Advisory Groups of young people recruited from each local authority area and based at the two offices, contributing to the day-to-day work of the office, including recruitment and planning and running events

engaging with networks, campaigns and working groups as observers, participants or full members, e.g. on child poverty, safeguarding vulnerable children, the parenting action plan, advocacy, participation, Special Educational Needs, Children's Complaints Officers, National Behaviour and Attendance Review, Wales Anti-bullying Network, 'Sdim Curo Plant!/Children are Unbeatable! among many others

conducting a review and publishing a report on unofficial exclusions

providing advice and assistance in relation to cases involving over 2000 children

completing a scoping exercise on CAMHS, conducted with health professionals throughout Wales ("Somebody Else's Business, "2007)

reviewing the needs of young carers

commissioning ECPAT research on children trafficked in Wales

publishing a practice guide for working together in communities with children, " Someone to listen Something to do "("Sotodo")

taking forward projects chosen by children and young people, such as seeking to increase opportunities to play for disabled children and young people ("A Happy Talent, 2008") and improve the experience of learning in schools (publication scheduled for March 2009).

There is evidence that the positive influence of CCfW occurs at several points during interactions with the office. For example, staff in local authorities commented that being involved in the reviews encouraged them to view their policies and procedures, their child friendliness and accessibility, in a different way. The completion of a review or examination and the publication of a report does not mark the end of a piece of work. Promoting the recommendations, engaging with key players, monitoring implementation as well as using new opportunities, such as a proposed LCO or Measure, to promote recommendations and key messages is ongoing. It is significant that during the financial year 2007-08 there was continuing work in relation to each and every one of the reports published since 2002.

The organisational target of responding to 12 consultation documents each year is regularly exceeded and in many cases there has been input into draft guidance or strategies at a pre-consultation stage. While it is difficult to claim sole responsibility for every improvement since the office was established, and often it has been the case of an additional authoritative and powerful voice being added to calls made by others, the contribution of CCfW to positive developments in the following areas is evident:

children's advocacy

highlighting the importance of emotional wellbeing and the inadequate implementation of Welsh Assembly Government's Child and Adolescent Mental Health Strategy and influencing the development of the "Talk to Me "a National Action Plan to reduce suicide and self harm

child poverty

human rights of children and young people seeking asylum

changing attitudes and legal reform to end the physical punishment of children

children's rights of appeal in school exclusions and in relation to statements of Additional Learning Needs

school transport and learner travel

school based counselling

young people in the criminal justice system

improvements in child protection in the media and performing arts

safeguarding vulnerable children and child protection in general

greater emphasis on consulting with children and young people and promoting meaningful participation

neonatal services

respect and attitudes to children and young people

school toilets, including consideration in the e coli Inquiry

reconsideration of local authority whistleblowing procedures to highlight child protection

pupil complaints procedures for schools

inclusion of the UNCRC and children's rights in PSE curriculum

National Behaviour and Attendance Review, which endorsed the recommendations of the report on unofficial exclusions which also ended the practice of viewing them as 'voluntary withdrawals' from school

independent investigation and consideration of professional abuse in schools.

inclusion of disabled children in local play strategies

Throughout this work the centrality of the message that we should all listen to children, respect them, take them seriously and create and maintain systems and spaces for them to speak out has been clear.

Learning points or things that might have been done differently

Having spent time looking at the situation from both perspectives, I can see that while there were probably some children and young people's interest groups who felt that the CCfW was failing to meet the needs of their constituency, there are inevitable consequences of taking on such a large range of work.

It is notable that at the stage where the organisation was still developing policies, systems and procedures that needed to be put in place, the staff team had to get to grips with tremendous pressure to deliver on a visible, operational agenda. Those concerned about children's rights were often outspoken in their calls for action. I confess to being one of those voices when I worked at Nacro hoping that Peter Clarke would focus on children caught up in the youth justice system. It is clear that the organisation responded to public and other pressures by seeking to meet those expectations. With hindsight you could argue that giving in to that pressure, whilst understandable, did mean that staff were put under huge pressure and that as a result a focus on internal procedures and a system that could support work programme management was not prioritised as a result.

While I would wish to pay tribute to my predecessor and his staff for all that they have achieved, it is clear that the circumstances in which they operated have not always been ideal. It has to be recognised that there have been long term sickness absences among the staff team that have increased the pressure on staff that are in work. With public expectations so high and the level of commitment so evident, it is perhaps unsurprising that there was a reluctance to slow down. However, when Peter Clarke became ill, this created a considerable challenge for the senior management team. I have spent some time trying to understand how we got to where we are. As far as I can see each step the organisation has taken during troubled times have been taken with the best intentions. It has been a difficult period however and this has taken its toll on the organisation, and the people within it. As a result there is a need to re-build confidence.

As a new organisation with a wide remit and a range of statutory powers, much learning takes place as or while the work programme evolves. By definition, a Children's Commissioner must be responsive to children and young people, but the balance between being responsive or reactive and being proactive is a difficult one to strike.

The organisation grew and developed in response to the needs of children and young people and other external influences. As the 2005 Three Year Plan developed by Peter Clarke and submitted to Welsh Assembly Government showed, there was a hope that the organisation would be able to grow even further, with the establishment of a Mid Wales office and the recruitment of locally-based staff who would link with youth forums, children's rights and complaints services, Ambassador (and other) schools and projects within their area. The funding for the expansion was not forthcoming, and if a flat-lined budget had been predicted the organisation's development may have been planned differently.

The learning within the organisation and my assessment of the circumstances and resources over the last nine months has led me to identify the following as areas in need of attention. In many cases changes were already underway when I became Commissioner, and in other cases I intend to lead the action to achieve change. Within the action I am taking to restructure the organisation and to develop the corporate plan for the next three years, I shall be focusing on the following:

Developing the organisational infrastructure

Before I arrived as the Commissioner, the need to review the structure of the organisation and some of the working practices, had already been recognised both within the organisation and from outside. Indeed a number of approaches to me immediately before I took up post and subsequently have offered support, ideas and thoughts on what changes are needed to meet their concerns. Whilst the task ahead on this is considerable I would say that given the organisation is now seven years old it is timely in any event to review,

take stock and develop new working practices.

We have recruited to a Human Resources post and this is already proving to be a positive development. We are taking forward a review of our employment and other policies and a working group of staff is taking forward the work and identifying and drafting new policies or procedures as required. I asked the Wales Audit Office to also assist on this and their recommendations are being taken forward in tandem. In my first month as Commissioner I received briefings on outstanding staffing matters and one external complaint which are all now moving forward.

There have been difficulties with meeting the information management needs of the organisation, in particular ensuring that we are able to analyse the data which is recorded and stored via a number of different databases and paper systems. Whilst budget considerations may limit what we can develop we shall be reviewing our information needs and implementing a new system so we can be better informed as we develop new approaches.

In terms of infrastructure I have been able to invest in video conferencing facilities for our Swansea and Colwyn Bay offices so that we can work smarter and cut down on our travel and other costs for internal meetings.

I shall also be looking at other changes that may need to be made. While the infrastructure in place has met the expectations of auditors, CCfW is unlike most public sector organisations. The range of influencing, service delivery and direct work with children and young people in the work programme bear a closer resemblance to NGOs or third sector organisations.

It is likely that my organisational review will see the office adopt a new structure with revised, amended, deleted and new job descriptions. I have notified my staff that the review is about to commence and that change is likely. The staff team have been very supportive of the need for change, and have supported me as the incoming Commissioner and I am genuinely looking forward to working with them to develop a new, refreshed approach.

Corporate planning and management of the work programme

I remain committed to being responsive to children and young people and the issues that they raise with me, but it is clear that many of the challenges and stresses the organisation has faced may well have been avoided or reduced if there had been a structured work programme with clear timescales. While it may be tempting to react to external events or public pressure, the priorities of the Commissioner and those of children and young people need to be paramount. If a clear framework and process for taking on new projects or pieces of work is in place and if as far as possible new pieces of work are not started before other targets are met, the organisation will be far more effective. I intend to take forward a project management approach. In making it clear what the priorities of the office will be I'm sure that, at least initially, some external organisations or individuals might be disappointed if their concerns do not feature or they view that the planning brings about delay, but I think that having clarity on the work programme will be helpful in the longer term.

Balancing individual casework and wider systemic advocacy

As the advice and support work has developed there have been some different approaches adopted by the office. We now have a dedicated team of staff based in both offices who deal with all the approaches made. 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 and I rather take the view that some clearer guidelines on how we could work more strategically in the spirit of partnership could yield results. I feel that I need to be clear about what my office will be doing in any given year, and then it would only be in exceptional circumstances that we would start a new review, investigation or project until the next financial year.

As can be seen in my Annual Review my office does receive calls from children and young people, parents, carers and professionals, the reasons for those calls is often complex and sometimes misunderstood. As we are meant to be dealing with issues that are insoluble or complex or where there is a policy gap, it is not surprising that adults get in touch with us on behalf of a child.

In many respects the difficulties in combining the individual casework, systemic advocacy and wider policy role have proven to be challenging in practice. The advice and support service does indeed contribute to our knowledge and understanding of what is happening on the ground. It is a service that is valued by children, young people and their parents or carers, and many individual children's lives have been improved, even saved, as a result.

During the first 6 months of the current financial year, 46% of advice and support cases have been signposted elsewhere and an increasing number are also being closed after a few days once advice has been given on next steps. I see us signposting cases more and more and in November I will be meeting with the All Wales Advocacy Providers Group with a view to establishing some clear guidelines on how we work together.

As counselling services for young people become live in secondary schools I would hope that calls to my office will reduce. I support the need to establish Parentline Cymru and again you would expect that the establishment of such a line, properly resourced, should see calls to my office reduce. I would like to see effective advocacy and children's support services developed locally to deal with advice and support. Local resolution is more likely in my view to secure the kind of support children and young people require and I shall be working to help achieve that.

I do not see my office as a direct service delivery organisation. My role is about advocating systemic change to benefit the lives of children and young people in Wales including those who are the most vulnerable or marginalised.

Resourcing

While the policy areas covered are varied, the powers are extensive and the remit is wide, resources aren't limitless. My total annual budget is smaller than most secondary schools in Wales.

Although it would be true to say that people are the most important resource an organisation has, when 70% - 76% of CCfW's budget each year has been spent on salaries, with other fixed costs taking another 10 - 15% of budget, options to develop work programme areas are restricted. I need to look at that if my ambition to work more strategically can become a reality.

Balancing the promotion of children and young people's participation, their involvement in the organisation, and the promotion of the role of the Commissioner and the work of the office will be an on-going challenge. When the office was set up the network of organisations and processes on children and young people's participation were not as well established as they are today. Another area that I need to think through within my review.

The independent evaluation of the office, taken forward Professor Nigel Thomas of University of Central Lancashire (and formerly of Swansea University), has pointed, amongst other things, to the need to increase visibility. It has also raised the issue of access to our offices in Swansea and Colwyn Bay. Whilst the leases we have signed preclude options for relocating I am looking at ways in which we can improve visibility. My recent tour of Wales was part of that and I have been able to purchase a display unit van with CCFW branding that we can use as we travel around Wales meeting children and young people. I'm also keen that our offices become more child and young person friendly so that they become interesting places to visit.

Independence and working in partnership

I have used every public speaking opportunity I have had, and there have been many, to be clear I don't think there is a contradiction in being an independent human rights institution that wishes to work in partnership to help influence positive change for children and young people in Wales. Working in partnership will be a practice that I will mainstream throughout all our functions.

United Nations Convention on the Rights of the Child (UNCRC) Reporting Process

Much of my initial work as Commissioner has been linked to the reporting process. Working with Commissioner colleagues in England, Northern Ireland and Scotland we published a joint report which we submitted as evidence to the UN on how well the UK State Party is doing on compliance with the CRC. Working together with colleagues in the other Commissioner's offices has been a positive experience for the staff involved, and I intend to look for more opportunities to work in partnership with the other BINOCC (British & Irish Network of Ombudsmen and Children's Commissioners), and indeed ENOC (European Network of Ombudsmen for Children) members during my term in office.

In Wales the partnership between the Commissioner, the Non Governmental Organisations (NGOs), Funky Dragon and the Welsh Assembly Government has been a very positive experience. The concluding observations of the UN Committee highlight some areas where further works needs to be progressed and I shall be looking at using those recommendations to influence the way I take forward my thematic or focus areas. In 5 years time when the next report to the UN on progress is due, by virtue of the length of my appointment, I am the only current UK Commissioner post holder who is due to still be in post. As such I will want to be able to evidence even more progress in Wales and in my Annual Report I have highlighted the need for all of us in Wales to turn our policy and strategic commitment into practice on the ground. I see my work as contributing to this by identifying blockages to compliance, working with others, including children and young people, to identify solutions so that those who are the duty bearers can be enabled to deliver.

Conclusions

In conclusion I want to:

Concentrate my resources on areas where I can contribute to positive systemic change for children and young people.

Develop a project management approach within my office developing a 3 year corporate plan from which annual work plans will be drawn.

Develop a more streamlined approach to work with themes, focus areas and projects that can drive a cultural change in attitudes towards children and young people and realise compliance with the UNCRC.

Establish clear criteria on what we do and what we don't do so that everyone is in no doubt about my role and function.

Build a strong, confident and resilient organisation.

Continue to build on Peter Clarke's legacy of putting children and young people at the heart of what we do.

I'm looking forward to developing this second seven year term. This is an exciting opportunity and I hope that I will be able to work effectively with you as a Committee to drive forward improvements in outcomes for children and young people across Wales.

Keith Towler

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