

Children and Young People's Guide

Review of the Children's Commissioner in England

John Dunford

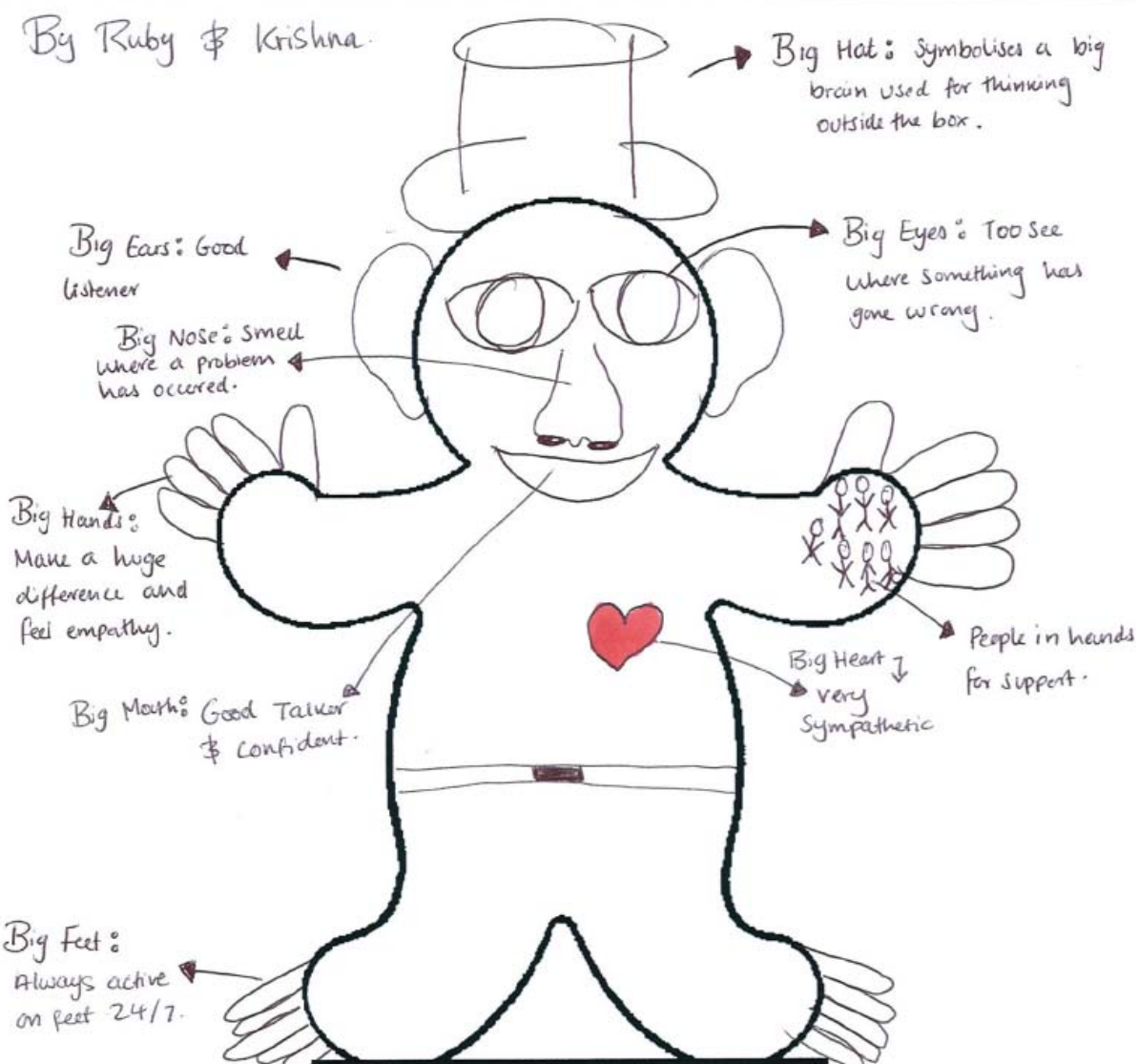
November 2010

"If a young child on its own is protesting for their rights they're not really going to get heard are they? Because I don't think they'd be treated as equally as an adult would if they had the same problems. So it's good that they've got someone higher there, someone who will actually listen and can actually be a voice for us".

Comment by a young person during the review

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Message from John Dunford

In July 2010, the Government asked me to carry out a review of the Office of the Children's Commissioner. Having spent my life working with children and schools, I was delighted to be able to take on this important task.

My report to the Government says what the Commissioner's role should be. Its recommendations will make the role stronger so that it has more impact for children in England.

There is no doubt in my mind that the role is highly valuable, and when it is successful, can bring real benefits to the way children and young people are treated.

I would have been unable to come to my conclusions without the open and honest comments and feedback from many children and young people who completed the review questionnaire or took part in one of the discussion groups we held over the past four months. I am very grateful to everyone who gave their opinion and made suggestions about the future role of the Commissioner. The views of children and young people have made a big contribution to the review and are reflected in my recommendations.

My recommendations will help to ensure that your views are taken seriously by people in authority and that you have a say in all the important decisions that affect you.



John Dunford



Message from the Minister

I am pleased to welcome John Dunford's report and his recommendations for improving the role of the Children's Commissioner. The Children's Commissioner has had a significant impact on the lives of some children and young people. But it is disappointing that so few children and young people have heard of the Commissioner (only 156 out of 707 who responded to the review) and even fewer know what the Commissioner does.



This Government is proud to have signed the United Nations Convention on the Rights of the Child and we are committed to implementing it in England. We believe it is vital that children and young people have someone who can champion your interests, put forward your views and promote your rights. It is important that this person can influence the government and other authorities who are making policy on your behalf.

John Dunford's recommendations will help us to create such a Children's Commissioner: who is better known and treated with respect by children and adults, and who can make a real difference to children's lives. The Government has accepted all of his recommendations in principle. We now need to work out the best way of making them happen in practice.

A handwritten signature in blue ink, which appears to be 'Sarah Teather'.

Sarah Teather MP
Minister of State for Children and Families

Some questions you may have

Q. Who is the Children's Commissioner?

A. The Children's Commissioner is a role created by the Government as part of its commitment to the United Nations Convention on the Rights of the Child (UNCRC). The functions of the Children's Commissioner are set out in law (in the Children Act 2004). The current Children's Commissioner for England is Maggie Atkinson. Northern Ireland, Scotland and Wales each have their own separate Children's Commissioners.

Q. What is the UNCRC?

A. The UNCRC is an agreement between nearly all the countries of the World on what rights all children should have. A list of these rights is given on the next page. By signing the Convention, each government has made a commitment to promote and protect the rights of children in their country. As part of this, governments are expected to have a person or office that acts as a champion of children's rights.

Q. Why has there been a review?

A. The Children's Commissioner was first introduced in England in 2004 and what the Commissioner does has not been reviewed by the Government until now. It was therefore seen as a good time for us to take a look at how well the Children's Commissioner has been working and what the Commissioner has achieved.

Since the Children's Commissioner was founded, there have been concerns over the way the role was set up in law – with not enough focus on children's rights. Many organisations working with children believe that the Commissioner needs to be more independent from Government and have much greater impact for children.

Q. Is this the full report?

A. No. This is a short guide to the report for children and young people. It has been written to make sure that you are kept fully aware of the changes that I have proposed in my review. Many children and young people gave me their views about the role of the Children's Commissioner, and I wanted you to know how your contributions have been listened to and taken forward in my recommendations. You can see the full report at <http://publications.education.gov.uk/default.aspx?CM+7981>

Q. What are the recommendations?

A. I have made 46 recommendations to Government grouped into 5 categories: (1) a unique role; (2) powers, remit and functions; (3) the relationship with other organisations; (4) value for money; and (5) a Children's Commissioner for England. I have listed the key points of my recommendations over the next few pages.

Q. So, what happens next?

A. The Government has said that it is generally happy with my conclusions and will now plan to make changes in line with my recommendations. This guide will help you to understand what those changes will be.

Summary of the UNCRC

The UNCRC lists all the rights that children and young people have. Every child has these rights. The list below is a summary.

All children up to 18 years have:

- the right to life
- the right to a name and nationality
- the right to have their best interests considered by people making decisions about them
- the right to be with their parents or those who will care for them best
- the right to have a say about things that affect them and for adults to listen and take their opinions seriously
- the right to have ideas and say what they think
- the right to practise their religion
- the right to meet with other children
- the right to get information they need
- the right to special care, education and training, if needed
- the right to health care
- the right to enough food and clean water
- the right to free education
- the right to play and rest
- the right to speak their own language
- the right to learn about and enjoy their own culture
- the right not to be used as cheap workers
- the right not to be hurt or be neglected
- the right not to be used as soldiers in wars
- the right to be protected from danger
- the right to know about their rights and responsibilities

[Source: Ombudsman for Children, Republic of Ireland]

The next page shows how pupils in one secondary school in Hampshire use their rights in practice

Wildern School

A Rights Respecting Environment



Rights, Respect and Responsibility

At Wildern, the UN convention of the Rights of the Child form the foundation of everything we do.

Rights, Respect and Responsibility go hand in hand.

Although your rights should be fulfilled, you must respect the rights of others. This is all of our responsibility.



The Right To An Education

Article 28: All children and young people have the **RIGHT** to an education.

Everyone has the **RIGHT** to an education but you have the **RESPONSIBILITY** to learn as much as you can to the best of your ability.

So.....

- Take pride in all your work.
- Always ask questions.
- Take every opportunity.
- Use the planner, be equipped.
- Take chances and risks, it's the best way to learn.
- Be positive.
- Look for opportunities to extend learning.

People learn in different ways...



Visual

- Watch revision videos.
- Read books.
- Make a DVD and upload to Wildern TV.



Audio

- Create revision songs.
- Create podcasts and upload to VLE.
- Recording revision notes.



Kinaesthetic

- Create models.
- Create role plays.
- Create dingbats.

Which Style Are You?

The Right To Feel Safe

This means you have the **RIGHT** to come to school and not be picked on because of colour, background, sex or looks. If you feel this right is being abused, you can talk to:



- PALs
- Pupil Support
- Tutors
- All Teachers



We all have the **RESPONSIBILITY** to make others feel safe by not harming or bullying anyone either verbally or physically. We need to think about how we treat others and always say no to bullying.

The Right To Have Your Voice Heard

Article 12: Children have the **RIGHT** to say what they think should happen.

In school there are many ways you can have your voice heard:

- Voting Voice
- School Council
- School Focus Groups
- Student Evaluators
- Student School Improvement Groups
- Department Student Voice Meetings
- VLE Forums
- Class Discussions

This means you have a **RESPONSIBILITY** to listen to and **RESPECT** what others have to say as well.



The Right To A Clean Environment

Article 24: Children have the **RIGHT** to good quality health care clean water nutritious food and a clean environment.

We all have the **RIGHT** to come to a school where the environment is clean and pleasant. This means we have the **RESPONSIBILITY** to put litter in the bin and respect the classrooms we are taught in.



What you told me

Over 700 children and young people completed my questionnaire. Lots more took part in workshop discussions or surveys. There were some strong messages:

- You do not feel your views are properly listened to in decisions that affect you
- You need a better way of having your views and opinions heard by Government
- Not many of you know about the Children's Commissioner or what she/he does
- The Children's Commissioner should be better known and much easier for children to talk to
- The Children's Commissioner should be someone with influence, but who listens and represents accurately what children and young people have said
- The Children's Commissioner should be more 'in touch' with young people and capable of understanding things from their point of view
- You want to be able to know what the Children's Commissioner does for you and what difference she/he makes
- It's very important that children and adults have a better understanding of children's rights; and know that there is someone who understands children's rights and is responsible for protecting them
- You told me clearly that having rights includes a responsibility to respect the rights of others.

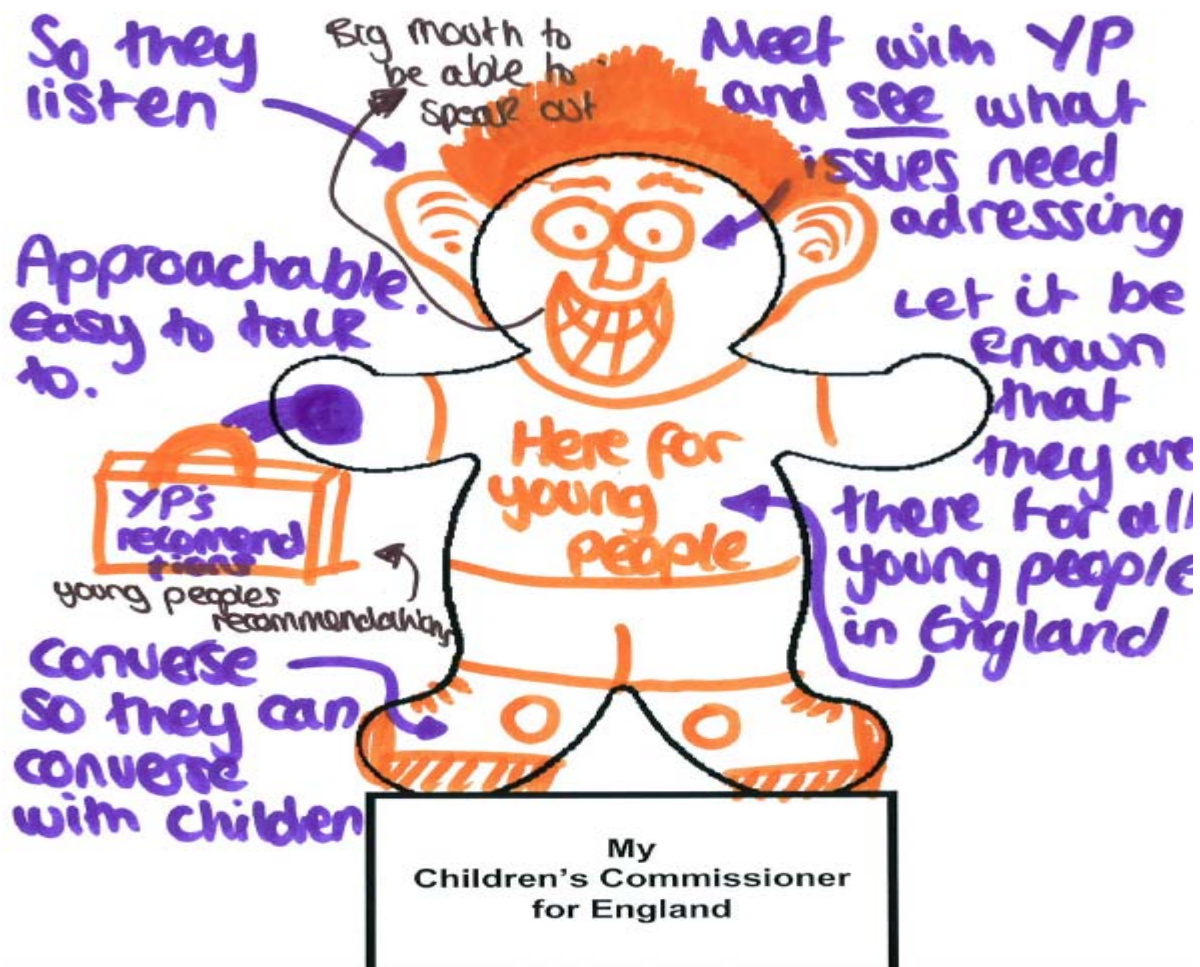


My Recommendations

My report contains 46 recommendations. I have summarised the ones I think you will be most interested in below:

- The Children's Commissioner should be responsible for promoting and protecting children's rights as set out in the UNCRC.
- Some of what the Children's Commissioner does will benefit all children. However, in practice, the Commissioner should provide most help to children who most need it.
- Every five years, the United Nations Committee on the Rights of the Child looks into the progress each country has made towards meeting the UNCRC. The Children's Commissioner should make an independent report to this Committee whenever it is England's turn to be assessed (that will next be in 2014).
- The Commissioner should do more to help more children and adults know about and understand the UNCRC, and what children's rights mean in practice. Some of this could be done through schools.
- No-one can take children's rights away from them, but children also need to respect the rights of others.
- The Children's Commissioner should tell adults about the good things that children do and how they make the country a better place to live in. I want children to be seen by adults as young citizens, whose views are treated as seriously as those of adults.
- The Commissioner should find out what children think about the Government's plans and point out any problems they might cause for children.
- I have said that we need a new law that would mean the Government has to listen to what the Commissioner tells them and explain what they plan to do as a result.
- The Commissioner should be able to raise whichever issues she/he feels are important. I have therefore said that the Commissioner needs to be as independent from Government as possible.
- The Commissioner should only say things in public if there is evidence to support them and/or they are based on the views of children and young people.
- The Children's Commissioner should not investigate complaints from individual children unless they are about issues that they think could affect lots of other children as well. The Commissioner would not have time to be able to look at every individual complaint. However, the Commissioner will need to check that there are other ways for you to make complaints or challenge a decision that is affecting you, and should make sure they are easy for you to find and use.
- More children should know about the Children's Commissioner and what she/he achieves. I have received lots of ideas about how to get this information to children and adults and the Commissioner will need to work out the best way of putting these ideas into practice.

- The Children's Commissioner and his or her staff should work with other organisations working with or for children, to make sure that they are not wasting time and resources by doing the same things. The Children's Commissioner must concentrate on what is most important.
- A new Office of the Children's Commissioner for England [OCCE] should be created by joining together the Children's Commissioner and the Children's Rights Director (who looks after the interests of children in care, children who get social care services, and children living away from home in residential schools or colleges).
- The new Office will do everything the present Commissioner's Office does, everything the present Children's Rights Director does, and more. This will require a change in the law. In the meantime, the Children's Commissioner and the Children's Rights Director will carry on with the roles they have now and work together more closely.
- There are Children's Commissioners in Northern Ireland, Scotland and Wales. The Children's Commissioner I have reported on should only look after the interests of children who live in England. All four Commissioners should however share information and ideas.
- The Government should make sure that the Office of the Children's Commissioner has enough staff and money to do its job properly.



You can download this booklet online at: <http://publications.education.gov.uk/>

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