



Department  
for Education

# Tailored Review

**Report on the Office of the Children's  
Commissioner**

**March 2019**

# Contents

Foreword	3
Executive Summary	4
Summary of conclusions and recommendations	5
Introduction	9
Background and role of the Children's Commissioner	10
An assessment of the need, form, and functions of OCC	12
Governance and relationship with department	15
Effectiveness	20
Efficiency	26
Other considerations	31
Annex	32
Annex A – Terms of Reference	32
Annex B – Stakeholders consulted	34
Annex C – Delivery Options Checklist	35
Annex D – Details of OCC staffing	37
Annex E – OCC governance structure 2018/19	39

## Foreword



This tailored review has provided an opportunity to consider the work and set-up of the Office of the Children’s Commissioner (OCC), which has a responsibility to promote the rights of children in England.

The Children’s Commissioner is a role of national significance. As an important partner of the Department for Education (DfE), I am pleased that the review supports my personal perspective that it continues to shape government policy and have a positive impact on the lives of children.

It is very reassuring that OCC is operating efficiently, and the sharing of resources with the department should be welcomed as a sensible use of public money. I encourage the Children’s Commissioner to work autonomously to deliver her ambitious priorities.

I note that the report includes some recommendations to further strengthen the impact of the good work of OCC, which I fully support. Therefore, I endorse the findings, conclusions and recommendations of this review. As a department, it is imperative that we take a partnership approach with our arm’s length bodies, and they with us. The support and challenge of our partners can only bring about improved outcomes for the people whom we serve.

I would like to thank all those who contributed to this review, without whom this report would not have been possible.

Finally, I would like to thank the Children’s Commissioner, Anne Longfield OBE, and her staff for working collaboratively with the department on this review. I look forward to working together in the future.

A handwritten signature in black ink, appearing to read 'N. Zahawi', written in a cursive style.

Nadhim Zahawi MP

Minister for Children and Families

## Executive Summary

Since its formation in 2004, the Office of the Children's Commissioner (OCC) has actively fulfilled its role by promoting and protecting the rights of children in England.

The findings from this tailored review have reinforced the ongoing need for OCC, which continues to support the statutory responsibilities of the Children's Commissioner. The need for OCC is perhaps greater than ever, with children growing up in a changing world, with innumerable socio-economic challenges. Due to the nature of the work of OCC, and the need for it to be able to operate 'without fear or favour' it is paramount that it remains at arm's length from central government.

Following on from a legislative change and previous reviews, the organisation has evolved from its inception and made significant strides in shaping how it operates to better deliver on its objectives. This review has concluded that the set-up of OCC remains an effective model to meet the commitment to the United Nations Convention on the Rights of the Child (UNCRC).

It is our view that the work of OCC is underpinned by proportionate governance arrangements, commensurate with the size, type, accountability and financial risk held by the organisation. There is some scope to help make sure these arrangements remain fit for purpose in the future.

OCC operates with financial efficiency and makes pragmatic use of its budget. The organisation ensures value for money, including by sourcing some of its services from the department. This is to be welcomed as an efficient use of taxpayer funds and is in line with departmental plans. It does not affect the independence of OCC.

OCC continues to influence policies and policy makers with an authoritative voice. It delivers substantial work focused on improving the lives of children by working effectively across boundaries with multiple stakeholders. However, the review highlights some additional opportunities to strengthen its approach, including focusing on building its relationship with the sponsoring department, the Department for Education (DfE).

Overall, this review concludes that OCC plays a highly significant role and provides value for money in delivering on an important objective. The report makes a number of recommendations focused on enabling it to further strengthen its governance, operation and impact.

# Summary of conclusions and recommendations

## Conclusions

### Need

1. OCC has an important role in promoting the rights of children and there is an ongoing need for the organisation.

### Form

2. OCC should remain independent and at arm's length from central government.

3. The Corporation Sole status of the Children's Commissioner role should remain and it should continue to be supported by an office with non-departmental public body (NDPB) status. However, if future legislation affecting the Commissioner is required, consideration could be given to re-establishing the NDPB with an independent chair and board.

### Functions

4. The functions of the Children's Commissioner as set out in statute are required and appropriate. The Children's Commissioner has autonomy in determining activities within their statutory remit.

### Governance

5. The current governance arrangements for OCC are proportionate and effective. There are some limited recommendations that could further strengthen transparency and help ensure the effectiveness of arrangements is maintained.

### Relationship with department

6. The Department for Education should remain as the sponsoring department for OCC.

### Effectiveness

7. OCC are an authoritative voice for children and there is evidence of them highlighting a range of issues to bring to the attention of decision makers, children and the public (namely through reports). However, due to the need for OCC to advise government privately in addition to its public work, it is sometimes difficult to draw a line of sight between the work undertaken by OCC and the impact that it has.

## Efficiency

8. When considering OCC's budget, the government, via the department, should continue to recognise the critical role of OCC in promoting and protecting children's rights and fulfilling their commitments to the UNCRC.

9. As the department's Permanent Secretary is the Principal Accounting Officer (PAO) the department should continue to ensure that OCC delivers value for money; this will safeguard the PAO who is accountable to Parliament for the payment of grant-in-aid.

## Recommendations

### Governance

1. The process of recruitment to future Audit and Risk Committee (ARC) member posts should more closely align to the Public Appointments process and include both an independent and departmental representative on the interview panel. OCC could seek advice from DfE in aligning with wider work on diversity in public appointments.

2. In the absence of a Finance Director, and to follow good governance principles<sup>1</sup>, the Finance Controller should attend all Senior Management Team meetings, ARC meetings, and have regular meetings with the Children's Commissioner. Alternatively, the Head of Business Services should be financially qualified and attend all meetings as stipulated for the Finance Controller.

3. To ensure transparency<sup>2</sup>, OCC should update their website to ensure that key corporate documents, policies and information are published and easily accessible. For example:

- Procedure and criteria for the appointments to the Advisory Board as stipulated by legislation
- Information on ARC, including procedures for appointments, members and Terms of Reference
- Complaints procedure and details of how to make a complaint<sup>3</sup>
- Expenses policy and information on the expenses claimed by senior staff, and members of the ARC and Advisory Board<sup>4</sup> (adhering to data protection legislation)

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<sup>1</sup> As referenced in [Managing Public Money](#), Annex 4.1

<sup>2</sup> [Guidance](#) on how to publish transparency data

<sup>3</sup> As referenced in the guidance provided by Cabinet Office on good corporate governance for NDPBs. This can be found in Annex C, p37, of the [Cabinet Office Tailored Review guidance](#).

<sup>4</sup> As referenced in the guidance provided by Cabinet Office on good corporate governance for NDPB's. This can be found in Annex C, p36, of the [Cabinet Office Tailored Review guidance](#).

- Agendas and minutes of their Advisory Board and ARC meetings<sup>5</sup> (redacting as appropriate)
- Spend for over £500<sup>6</sup> <sup>7</sup>(adhering to data protection legislation).

## Relationship with department

4. OCC and the departmental sponsor team should agree a plan to raise visibility and awareness within the department of OCC's role and expertise.

5. OCC and the department should work together to update the framework document (with reference to the [Partnerships between departments and arm's length bodies: code of good practice](#)) in line with the recommendations and findings of this review.

## Effectiveness

6. The department and OCC should discuss how OCC could use more tangible evidence and examples of its work to further quantify its impact to Parliament, and beyond.

7. The department and OCC should work together to agree a strengthened approach to using OCC's expertise during policy development. For example, through the strategic use of Child's Rights Impact Assessments, its role in the UNCRC Action Group and more widely through the identification of system risks.

8. OCC should review its stakeholder engagement strategy to ensure opportunities for structured engagement with all stakeholders on its overarching priorities and delivery plan are maximised.

## Efficiency

9. OCC should continue to keep their shared service arrangements under regular review to establish if further value for money can be achieved. The department should work to ensure there is a clearer process in place to assist OCC in keeping shared service agreements up to date.

10. OCC should continue to keep their estates arrangements under review. If considering a move out of DfE estate, they should liaise with Government Property Agency to consider options and seek relevant approvals.

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<sup>5</sup> As referenced in the guidance provided by Cabinet Office on good corporate governance for NDPBs. This can be found in Annex C, p37, of the [Cabinet Office Tailored Review guidance](#).

<sup>6</sup> As referenced in the guidance provided by Cabinet Office on good corporate governance for NDPBs. This can be found in Annex C, p37, of the [Cabinet Office Tailored Review guidance](#)

<sup>7</sup> As referenced in [Guidance for arm's length bodies on releasing details of spending over £25,000](#).

11. OCC and departmental Commercial Business Partners should review their engagement to continue to ensure that all commercial opportunities are optimised.

12. OCC should review their procurement processes and update these accordingly. OCC may want to seek procurement expertise to support this. Additionally, once OCC's updated framework document has been agreed and published, OCC should ensure that their internal controls continue to comply with Cabinet Office spending control requirements.



## Introduction

1. For the purposes of this report, all references to Office of the Children's Commissioner (OCC) refer to the role of Children's Commissioner and their office, unless otherwise stipulated.
2. A small, dedicated review team have conducted the review and produced the final report on behalf of the Department for Education (DfE). In line with Cabinet Office guidance the review team is independent of the sponsor and OCC but have consulted both parties throughout.

## Tailored review background

3. The aim of tailored reviews is to provide a robust challenge of arm's length bodies (ALBs), to ensure that they are fit for purpose and are offering value for taxpayer's money by assessing the ongoing need for ALBs and scrutinising a number of key areas.
4. This review has been designated as a 'tier 3 review' by Cabinet Office (further details can be found on the [Cabinet Office Tailored Review Guidance](#)). Terms of Reference for this review can be found at Annex A.

## Scope and oversight of the review

5. In line with Cabinet Office guidance, this review has considered the following areas; form, function, governance, efficiency, effectiveness, devolution, the impact from UK leaving the EU, and location.
6. The review team has gathered views from OCC, the departmental sponsor team and some key stakeholders. This information has been analysed thematically. Details of stakeholders who provided feedback can be found at Annex B.
7. In order to build on existing work, previous reviews of OCC, reports, and insights provided by departmental representatives have been taken into account.
8. Following the review, OCC and the departmental sponsor team should agree a clear action plan for the implementation of the recommendations. An update should be provided to the Tailored Review team no later than six months after the publication of this document.

## Acknowledgements

9. We would like to thank all parties who contributed to this review, particularly the Children's Commissioner Anne Longfield OBE and her staff.

## Background and role of the Children's Commissioner

10. The post of Children's Commissioner exists to promote the views of children and young people from birth to 18 (up to 21 for young people in care or with learning difficulties). The position was created following a recommendation made by Lord Laming in the Victoria Climbié Inquiry and was established under the [Children Act 2004](#); this gave the Children's Commissioner legal responsibility for promoting awareness of the views and interests of children in England and holding inquiries into issues of public policy of relevance to children.

11. The Children's Commissioner also has a legal duty to promote and protect the rights of all of England's children and young people in accordance with the [United Nations Convention on the Rights of the Child](#).

12. In July 2010, the then Secretary of State for Education commissioned John Dunford to undertake a [review](#) of OCC, with a specific focus on the powers, remit and functions, the relationship with other government functions and the value for money of the post of Children's Commissioner.

13. Following on from the Dunford Review and the subsequent consultation, [the Children and Families Act 2014](#) sets out:

- an increased focus on the rights of children who are in or leaving care, living away from home or receiving social care services
- a duty on the part of government and local services to respond formally to concerns raised by the Commissioner
- imposing a new requirement on the Commissioner to appoint an advisory board to advise and assist the Commissioner
- increased independence with OCC laying its annual report to Parliament
- imposing requirements on the Commissioner to consult on and publish a business plan
- increased powers to advise the government on new policy and assess the impact of policy on children's rights.

14. Further to the amendments made to the legislation, 2014 also saw a departmental-led review of OCC's corporate governance. The current Children's Commissioner, Anne Longfield OBE, was appointed in March 2015 and is the first Commissioner to operate under the strengthened powers for the full duration of their term. During this time, there has been a significant focus on recalibrating how the organisation operates.

15. Independent of government and Parliament, the Children's Commissioner speaks up for children and young people so that policymakers and the people who have an impact on their lives take their views and interests into account when making decisions about them.

16. OCC gathers evidence by talking to children and young people, and requesting information from public institutions. It then carries out research and compiles information on the wide range of things that affect children's lives.

17. The Children's Commissioner is the 'eyes and ears' of children in the system, and the country as a whole, and is expected to carry out their duties 'without fear or favour' of government, children's agencies, and the voluntary and private sectors.

18. OCC also provides advice to children who are in or leaving care, living away from home or working with social services through the advice and representation service, [Help at Hand](#).

## Form of the Office of the Children's Commissioner

19. OCC is a non-departmental public body (NDPB) and the Children's Commissioner is the Chief Executive. The role of the Children's Commissioner is a fixed-term position, of no more than six years. The role of Children's Commissioner has Corporation Sole status<sup>8</sup>.

20. A team of c.30 staff who make up the office support the Children's Commissioner in delivering on their objectives (an organogram is shown at Annex D). OCC receive their budget as grant-in aid from the Department for Education. As OCC are a NDPB and receive public funds, they are subject to the expectations set out in [Managing Public Money](#). Their budget for 2018/19 is £2.484 million.

21. The Children's Commissioner is supported by:

- an Advisory Board (as required by legislation) to advise and assist the Children's Commissioner
- an Audit and Risk Committee to provide a means of independent assurance and objective review of internal controls and risk management, audit and financial reporting.

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<sup>8</sup> Corporation Sole: a legal entity consisting of a single ("sole") incorporated office, occupied by a single ("sole") person. This allows corporations to pass without interval from one office holder to the next successor in-office, giving the position legal continuity with subsequent office holders having identical powers to their predecessors.

# An assessment of the need, form, and functions of OCC

## The need for OCC

22. The Children’s Commissioner has a legal duty to promote and protect the rights of all of England’s children and young people. The expectations of the Children’s Commissioner for England are set out in legislation<sup>9</sup> and the [United Nations Convention on the Rights of the Child](#) (UNCRC).

23. The Dunford Review of 2010 noted (on page 12) that “there is no question that the role of the Children’s Commissioner should exist... scrapping it would have significant implications for children’s lives and for the UK’s international standing”.

24. Stakeholders consulted as part of this review acknowledged there is a clear need for OCC. The consensus was that it is important to have an independent, authoritative voice speaking on behalf of children’s rights; as there is in other United Nations countries and parts of the United Kingdom.

**Conclusion 1:** OCC has an important role in promoting the rights of children and there is an ongoing need for the organisation.

## Form

25. Cabinet Office requires departments to consider three tests in relation to the ALB:

**Does it perform a technical function?** No

**Does it need to be politically impartial?** Yes.

**Does it need to act independently to establish the facts?** Yes.

26. The review has considered whether OCC’s current form creates any significant barriers to delivery and whether other delivery options could offer any significant benefits. A range of evidence has been taken into account, this includes the views of OCC and the department, the size and performance of the organisation, comparisons with similar organisations and the findings from previous reviews.

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<sup>9</sup> [Children Act 2004](#), and [the Children and Families Act 2014](#)

27. OCC meets two of the three tests to remain at arm's length from government. A delivery model that places this function in central government is not compatible with this expectation.

28. Changing OCC's status to become a charitable organisation reliant on donations would create significant risks, including:

- OCC would need to use a disproportionate amount of time and resources on securing funding, detracting from its core delivery objectives
- OCC would find it more difficult to raise 'unpopular issues' due to its reliance on different sources of funding

29. Both the department and OCC consider NDPB status appropriate. NDPB status means that OCC:

- receives a secure level of government funding to enable it to focus on its core delivery objectives;
- can maintain a clear separation between its remit and that of its sponsoring department
- can continue to shape how it operates as an autonomous organisation, staffed by public servants with required skills
- can speak with an authoritative voice in the sector

30. It also means that:

- there is an appropriate level of ministerial accountability; and
- OCC is able to benefit from opportunities to share some departmental services, which help to provide greater value for money overall

31. More detailed analysis is included in Annex C.

**Conclusion 2:** OCC should remain independent and at arm's length from central government.

## Legal Status

32. The Children's Commissioner, as prescribed by legislation, is a Corporation Sole (which is set out under paragraph 1 of Schedule 1 to the Children Act 2004). This enables the effective transition of accountability from one individual to another and is aligned to the need to ensure a clear and accountable independent voice on behalf of children.

33. There are some arguments for modernising this corporate governance structure by re-establishing OCC with an independent chair and board, which would provide more collective responsibility for the overall performance and success of the body. However,

as this would require primary legislation, the review team does not believe that changes should be made at this stage.

**Conclusion 3:** The Corporation Sole status of the Children’s Commissioner role should remain and it should continue to be supported by an office with non-departmental public body (NDPB) status. However, if future legislation affecting the Commissioner is required, consideration could be given to re-establishing the NDPB with an independent chair and board.

## Functions

34. Independent of government and Parliament, the Children’s Commissioner has unique powers to help bring about long-term change and improvements for all children, particularly children living away from home or receiving social care. OCC speaks up for children and young people so that policymakers take their views and interests into account when making decisions which impact them. Full details of the functions of the Children’s Commissioner can be found in the [Children’s Act 2004](#), and subsequently the [Children and Families Act 2014](#).

35. OCC consults widely through its business planning process and is supported by an Advisory Board including key experts from the sector, whose role it is to provide advice and guidance on OCC’s priorities.

36. The Children’s Commissioner has specific responsibility for promoting the rights of children who are in or leaving care, living away from home or receiving social care service. This is largely delivered through an advice and representation service, [Help at Hand](#).

37. The Children’s Commissioner speaks for wider groups of children on non-devolved issues including immigration (for the whole of the UK) and youth justice (for England and Wales). The Commissioner has unique data gathering powers and powers of entry to talk with children to gain evidence to support changes that will improve children’s lives.

38. One consideration of this review is whether the Children’s Commissioner in England should be empowered to take up individual cases on behalf of children in England. This is currently not permitted under legislation. Parliament has designed OCC’s role to protect the rights of children generally, and not to overlap with the existing, and robust, regulatory powers of other organisations. These include Ofsted and the Care Quality Commission, whom the Commissioner is able to refer cases to. The review team concluded that the functions should remain the same.

**Conclusion 4:** The functions of the Children’s Commissioner as set out in statute are required and appropriate. The Children’s Commissioner has autonomy in determining activities within their statutory remit.

## Governance and relationship with department

### Appointment and accountability

39. The Children's Commissioner is appointed by the Secretary of State for Education for a single term, not exceeding six years. The Children's Commissioner can be removed from post if the Secretary of State is satisfied that the Commissioner has become unfit or unable properly to discharge their functions, or behaved in a way that is not compatible with them continuing in office.

40. In addition to the appointment of the Children's Commissioner, the Secretary of State for Education's responsibilities include:

- Approving the amount of grant-in-aid to be paid to the Children's Commissioner
- Covering matters relating to the Commissioner in Parliament given the department's sponsorship responsibilities. The Commissioner may be called in their own right to report on OCC's performance or to give evidence to Parliamentary Select Committees

41. The Secretary of State's duties and powers in relation to the Commissioner's statutory duties are also defined in Part 1 (sections 1–9) and Schedule 1 of the [Children Act 2004](#).

42. The department's Permanent Secretary is the Principal Accounting Officer (PAO). The respective responsibilities of both the PAO and Accounting Officers for NDPBs are set out in Chapter 3 of [Managing Public Money](#). This includes being accountable to Parliament for the issue of any grant-in-aid to the Commissioner and advising the Secretary of State on an appropriate budget in the light of the department's overall public expenditure priorities.

43. The PAO is also responsible for:

- the payment of grant-in-aid and any conditions attached to it
- monitoring of the Commissioner's compliance with those conditions
- the steps taken to ensure controls applied by the department and the Commissioner conform to requirements of good financial management and safeguard public funds

44. The Children's Commissioner is designated (by the department's Principal Accounting Officer) as Accounting Officer of OCC. As Accounting Officer, the Commissioner is personally responsible for safeguarding the public funds for which they have charge for propriety and regularity, value for money, efficient and effective use of those resources, and the organisation, operation and management of the office. As the Accounting Officer, the Children's Commissioner is required to provide assurance that

the funds are used for the purposes intended by Parliament and are properly accounted for.

45. Through its Annual Report, OCC is directly accountable to Parliament for its performance and impact on the promotion and protection of children's rights. In addition, the Commissioner is accountable to the Permanent Secretary (as PAO) for the grant-in-aid they receive from the department. OCC's final accounts are also made available to Parliament to scrutinise, following audit and certification by the Comptroller and Auditor General.

46. The Commissioner is answerable to Parliament and can (and should) develop and maintain their own relationships with ministers and officials in government departments and wider Parliamentarians.

## Internal controls

47. As described in the [Partnerships between departments and arm's length bodies: code of good practice](#), the department and OCC take a proportionate approach to assurance, commensurate with the size, budget and level of risk of OCC.

48. OCC does not have a board and chair. Corporation Sole and Accounting Officer status sit with the Children's Commissioner.

49. The Commissioner is required under section 7A of the [Children Act 2004](#) (as amended by the [Children and Families Act 2014](#)) to establish an Advisory Board. In practice, this operates as a steering group and 'sounding board' for the work of the Children's Commissioner. Details of the Advisory Board can be found on OCC's [website](#).

50. Further to the Advisory Board, the Children's Commissioner has established an Audit and Risk Committee (ARC) to provide a means of independent assurance and objective review of internal controls, risk management, audits and financial reporting. This is in line with expectations set out in [Corporate Governance in central government departments: code of good practice](#) and aims to minimise the risk of illegal or improper acts, safeguards public funds (and assets) and provides confidence in the objectivity and fairness of financial reporting.

51. Under the Terms of Reference (TOR) of the ARC, one member must be a qualified accountant. The ARC may examine any activity within its TOR and seek any information it requires from any employee of the Commissioner. OCC is subject to internal and external audit (observer status on the ARC is held by internal and external auditors and a representative of the department).

52. OCC have recently formalised the arrangement for the ARC chair to escalate concerns directly to the department. Additionally, OCC is part of the DfE Risk Network.



OCC may wish to link-up further with the department’s risk team for additional support and advice on their risk management approach.

53. The governance structure of OCC is illustrated in Annex E

54. In addition, OCC has the following internal controls:

Group	Purpose
Remuneration Committee	Provides a means of independent assurance and objective review of remuneration systems.
Internal Audit	<p>Assists the organisation to achieve effective and efficient governance, risk and control processes (as well as wider compliance risks, such as cyber risk and safeguarding). These are linked to strategic objectives and financial and management reporting objectives to support the delivery of the Business Plan. The overall opinion of the Head of Internal Audit, is that OCC has:</p> <ul style="list-style-type: none"> <li>• adequate and effective risk management</li> <li>• adequate and effective governance</li> <li>• adequate and effective control processes</li> </ul>
Senior Management Team	Supports the Commissioner with both strategic and operational duties. They assist with the identification, development and implementation of strategic priorities in the form of a five-year strategic plan and an annual business plan.

**Conclusion 5:** The current governance arrangements for OCC are proportionate and effective. There are some limited recommendations that could further strengthen transparency and help ensure the effectiveness of arrangements is maintained.

55. Members are appointed to the Advisory Board and ARC following an open recruitment process. ARC plays a key role in overseeing financial reporting, for which the PAO is ultimately accountable.

**Recommendation 1:** The process of recruitment to future ARC member posts should more closely align to the Public Appointments process and include both an independent and departmental representative on the interview panel. OCC could seek advice from DfE in aligning with wider work on diversity in public appointments.

56. The [Children Act 2004](#) (as amended by the [Children and Families Act 2014](#)) stipulates that the Children's Commissioner must from time to time publish a report on the procedure followed and the criteria used when making appointments to the Advisory Board. At present, this is published when recruiting only and transparency could be further improved.

57. Due to the size of the organisation, and in taking a proportionate approach, OCC does not have a Finance Director. The finance function is delivered by a qualified Financial Controller.

**Recommendation 2:** In the absence of a Finance Director, and to follow good governance principles<sup>10</sup>, the Finance Controller should attend all Senior Management Team meetings, ARC meetings, and have regular meetings with the Children's Commissioner. Alternatively, the Head of Business Services should be financially qualified and attend all meetings as stipulated for the Finance Controller.

**Recommendation 3:** To ensure transparency<sup>11</sup>, OCC should update their website to ensure that key corporate documents, policies and information are published and easily accessible. For example:

- Procedure and criteria for the appointments to the Advisory Board as stipulated by legislation
- Information on ARC, including procedures for appointments, members and Terms of Reference
- Complaints procedure and details of how to make a complaint<sup>12</sup>
- Expenses policy and information on the expenses claimed by senior staff, and members of the ARC and the Advisory Board<sup>13</sup> (adhering to data protection legislation)
- Agendas and minutes of their Advisory Board and ARC meetings<sup>14</sup> (redacting as appropriate); and
- Spend for over £500<sup>15</sup> <sup>16</sup> (adhering to data protection legislation).

## Relationship with the department

58. The work of OCC impacts a range of government departments. However, both OCC and the Department for Education are focused on improving the lives of children and young people. The Children's Commissioner has a responsibility, outlined in the

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<sup>10</sup> As referenced in [Managing Public Money](#), Annex 4.1.

<sup>11</sup> [Guidance](#) on how to publish transparency data.

<sup>12</sup> As referenced in the guidance provided by Cabinet Office on good corporate governance for NDPBs. This can be found in Annex C, p37, of the [Cabinet Office Tailored Review guidance](#).

<sup>13</sup> As referenced in the guidance provided by Cabinet Office on good corporate governance for NDPBs. This can be found in Annex C, p36, of the [Cabinet Office Tailored Review guidance](#)

<sup>14</sup> As referenced in the guidance provided by Cabinet Office on good corporate governance for NDPBs. This can be found in Annex C, p37, of the [Cabinet Office Tailored Review guidance](#).

<sup>15</sup> As referenced in the guidance provided by Cabinet Office on good corporate governance for NDPBs. This can be found in Annex C, p37, of the [Cabinet Office Tailored Review guidance](#).

<sup>16</sup> As referenced in [Guidance](#) for arm's length bodies on releasing details of spending over £25,000.

[Children Act 2004](#), to advise the Secretary of State on the rights, views and interests of children.

59. In 2016, the then Minister for Children and Families, Edward Timpson (a current OCC Advisory Board member) gave evidence to the Education Select Committee and outlined why he believed the Department for Education was ‘a good fit’ for OCC as a sponsor department. He cited an example regarding support for Care Leavers of how the two could work together.

60. This review has found no evidence to substantiate that taking a different approach to sponsorship would be beneficial.

**Conclusion 6:** The Department for Education should remain as the sponsoring department for OCC.

61. The Children’s Commissioner attends the ‘DfE ALB CEO Network’ meetings to contribute to strategic, cross-cutting discussions on issues affecting all ALBs.

62. However, more broadly, there are indications that opportunities for using OCC’s expertise and insights in the policy development process are being missed due to potential misconceptions within the department about OCC’s role and powers. The department is focused on increasing the value of working with its ALB’s as described in the [code of good practice](#) and becoming more user centred and evidenced based through its transformation programme. Greater engagement on certain policy issues could be supported by:

- working to increase understanding across the department of OCC’s role
- both OCC and the department showcasing examples of where OCC has helped to inform work to achieve positive outcomes across government

**Recommendation 4:** OCC and the departmental sponsor team should agree a plan to raise visibility and awareness within the department of OCC’s role and expertise.

63. This will further increase the awareness of the purpose of OCC within the department, as noted within the Cabinet Office [code of good practice](#).

64. A review of the framework document between OCC and the department was planned for 2017/18, but was subsequently paused pending the outcome of this tailored review.

**Recommendation 5:** OCC and the department should work together to update the framework document (with reference to the [Partnerships between departments and arm's length bodies: code of good practice](#)) in line with the recommendations and findings of this review.

## Effectiveness

65. OCC does not have a delivery function in the traditional sense; its core focus is influencing decision makers and those in power to generate systematic change in children's best interest. It therefore faces a significant challenge in quantifying the impact of its work and the outcomes achieved. This is compounded by the need to focus on longer-term challenges, while maintaining an impactful public presence and responding to current issues. This review provides a light touch assessment of the organisation's effectiveness and some recommendations for further strengthening its impact.

## Planning

66. The Children's Commissioner's primary function is promoting and protecting the rights of children in England as set out in the [Children and Families Act 2014](#). OCC is able to achieve these aims through a combination of research and advocacy capability. It carries out its function largely by compiling evidence relating to children, and advising and assisting ministers and policy makers. It has a particular role relating to advocacy for looked-after children, which is achieved largely through its advice and representation service, [Help at Hand](#).

67. In August 2015, the Children's Commissioner published her five-year strategic plan, [Ambitious for Children](#), which highlighted the following priorities:

1. Understanding and celebrating childhood
2. Being ambitious for every child in care
3. See a major reduction in children being harmed
4. See sustained action to reduce inequalities for children
5. See a machinery of government that best helps children flourish

68. To meet the five-year priorities, OCC undertakes annual business planning to agree the specific focus of the forthcoming annual reporting period. Each year the [Business Plan](#) takes account of the previous achievements and seeks to:

- identify the most vulnerable groups of children and hidden issues
- develop work that has been undertaken in previous years
- take forward issues arising from discussions with stakeholders (including children)

69. In the [annual report](#) for 2017/18, the Children's Commissioner noted that "the core of our work remains focused on four particular groups; children living behind closed doors, children invisible to the system, children in care and digital children".

70. In order to maintain OCC's independence, the Children and Families Minister does not have power of approval on the exercise of particular functions of the Commissioner and there are no general or specific powers of ministerial direction.

71. OCC provides a draft copy of the annual Business Plan to the department and other relevant government departments prior to publication for comment. Ministerial guidance and comments are also provided on the Annual Report (where required) and on ad-hoc reports or work of OCC. In addition, the department's Senior Relationship Manager and Children and Families Minister hold quarterly meetings with the Children's Commissioner to discuss her work, business plan, annual report and other issues identified by OCC.

72. OCC has a broad remit focused on promoting and protecting the rights of children in England. It is ultimately Parliament's role to assess the impact of its work. It has an independent function and its annual reports are laid before both Houses.

## Data and analysis

73. OCC places significant emphasis on the use of data and building credible, evidence-based arguments to support it in fulfilling its duties. It is currently developing a conceptual framework of vulnerability in response to the conflicting, and perhaps inconsistent, approach of what constitutes a 'vulnerable' child. Its goal is for this model to become the standard metric of vulnerability across government and wider sectors. This is a good example of OCC demonstrating proof of concept and linking data to inform wider government strategy.

74. A small number of stakeholders are keen to support OCC in identifying potential existing data sources as they feel this might enable OCC to avoid duplication and operate in a more agile manner.

## Reports

75. OCC has produced a significant number of reports on a range of topics commensurate with their remit and arguably in excess of their modest budget. In discussion with the review team, the Children's Commissioner described the work undertaken on vulnerability and stability to be 'the cornerstones' of their recent work; the latter being of particular importance in shaping some of the work of the department. Stakeholders consulted cited this as a good example of working across boundaries to improve the measurement of issues that affect the lives of children.

76. Other examples of the diverse work undertaken by the office include educational standards in the North of England and the importance of play on children's wellbeing and development. A number of stakeholders were particularly impressed with its work in the digital arena and commended OCC for instances where it has focused on 'solutions' by helping to develop good practice which others are then able to implement, such as resources for teachers and young people about social media.

77. Full details of reports undertaken can be found on OCC's [website](#).

## Shaping debate and initiating conversation

78. It is evident that the work of OCC is helping to shape policy issues and drive discussion at a departmental, sector and Parliamentary level. This includes a number of areas for example, 'exclusions' and 'children in detention'. Stakeholders referenced OCC's ability to demonstrate an authoritative voice and ability to 'get something on the agenda'. Work undertaken on stability, on which the department did not have a standard measure, has been important in shaping discussion in the department and with the minister. A National Stability Forum has recently been established by the department.

79. OCC has relationships with other government departments (OGDs) which are managed through their policy and public affairs team, working closely with the Senior Management Team support team. OCC is invited to advise OGDs on a range of policy issues affecting children. The Commissioner also makes representations directly to ministers by letter or face-to-face where appropriate. OCC staff sit on a variety of ad-hoc working groups throughout Whitehall where policy is in development.

80. The Children's Commissioner is regularly invited to Select Committees and helps to shape the debate on government policy issues using insight and expertise across a range of topics.

81. Often work undertaken, particularly engagement across government, may not be directly attributable to OCC. As OCC's contribution may not be publicly acknowledged, their effectiveness and contribution may be unsung and not fully recognised. Some stakeholders acknowledge the challenge OCC has in being able to draw a line of sight between their work and the impact that they are having. However, the review team believes that there may be opportunities for OCC to have a clearer, more demonstrable impact by:

- OCC inputting expertise and insights more directly into the development of government policy. For example, by making strategic use of Child's Rights Impact Assessments in key priority areas
- The department inviting OCC into discussions at strategic points, and more frequently, where children's rights may be impacted by policy developments

82. Given OCC's role in highlighting issues affecting children across the system, there may be additional opportunities to explore with regard to its role in the United Nations Convention on the Rights of the Child (UNCRC) Action Group. In addition, as the department begins to take a bigger role in considering 'system risks', it should discuss opportunities for OCC to contribute to this area.

**Conclusion 7:** OCC are an authoritative voice for children and there is evidence of them highlighting a range of issues to bring to the attention of decision makers, children and the public (namely through reports). However, due to the need for OCC to advise

government privately in addition to its public work, it is sometimes difficult to draw a line of sight between the work undertaken by OCC and the impact that it has.

**Recommendation 6:** The department and OCC should discuss how OCC could use more tangible evidence and examples of its work to further quantify its impact to Parliament and beyond.

**Recommendation 7:** The department and OCC should work together to agree a strengthened approach to using OCC's expertise during policy development. For example, through the strategic use of Child's Rights Impact Assessments, its role in the UNCRC Action Group and more widely through the identification of system risks.

## Engagement

83. OCC engages across a broad range of organisational boundaries with the public, charitable and private sectors to achieve its aims. Evidence from this review suggests that it makes a significant impact in doing so, particularly considering the size of the organisation. It shares details of its business plans at an annual launch event and has relationships at varying levels and frequencies with key stakeholders.

84. The demand for engagement with OCC is high, which is in itself a credit to the organisation and the status it has achieved. Stakeholder feedback recognised it as an authoritative voice on children's issues. There is a strong appetite for helping OCC to achieve maximum impact. In some limited areas, it was felt that with slightly more structured and regular communications with some stakeholders it could:

- help them better understand and support OCC's key priorities
- enable them to highlight information and evidence already 'known by the sector'; and avoid duplication
- help maximise the impact of the work of OCC by signposting to it through their own communications channels

**Recommendation 8:** OCC should review its stakeholder engagement strategy to ensure opportunities for structured engagement with all stakeholders on its overarching priorities and delivery plan are maximised.

## Media presence

85. Stakeholders consulted acknowledged the strong media presence of OCC, which is a testament to the work of the Children's Commissioner and her team. Some stakeholders felt that they would like to see OCC respond to current affairs or emerging issues more readily. However, there was recognition that it is important to achieve a balance between this and the need to 'set a clear agenda' through a focus on longer-term issues.

86. One area of opportunity highlighted was the potential for OCC to communicate even more directly with children, for example on their website, in print, on television and via social media.

## Engagement with children

87. OCC has clear mechanisms in place for children to engage with it; to both escalate issues affecting them and inform OCC's wider work.

88. OCC produce a number of reports around voices of children and their research team regularly consult with children on their work. They have recently employed a children's writer to tell stories on their behalf.

89. OCC consults with children in various ways, including surveys on the content of business plans, focus groups and qualitative interviews to represent children's views in reports, visits to children accommodated in welfare, criminal justice or health institutions, and attendance at children in care council meetings around the country. These all serve to inform the work of OCC and the Children's Commissioner's priorities and public interventions.

90. OCC previously had core consultation groups of children with whom it discussed a variety of issues on an ongoing basis - Amplify and Young Amplify advisory groups. However, it was felt that the positive impact of this approach had become limited and risked the same children inputting views that might be unrepresentative of all issues. OCC now seeks topic specific input via a range of methods.

91. To support the Children's Commissioner's statutory duty regarding children living away from home or receiving social care (as covered by section 8a of [Children Act 2004](#)), OCC launched their [Help at Hand](#) advice and representation service. This service has seen a rise in the number of enquiries received, roughly doubling to over 1,500 enquiries last year as reported in [OCC 2017/18 annual report and accounts](#). Of the calls, many result in children or representatives being signposted elsewhere such as to advocacy services. Some result in intervention with local authorities (or directly with Directors of Children's Services) by OCC, which uses its position to escalate issues and to try and generate improvements to the system as a whole.

92. This service is important in enabling children (which meet the description as outlined by section 8a of the [Children Act 2004](#)) to escalate issues. It also allows OCC to have an overview of the issues faced by local authorities, which can initiate further discussions and action. The review team has concluded that it is currently effective and beneficial for [Help at Hand](#) advice and representation service to be part of OCC. OCC should keep this under review moving forward.

93. More recently, OCC has launched an interactive website. '[In My Opinion](#)'. This is designed for teenagers in care and care leavers, and encourages users to build a



supportive community. In the longer term, OCC will seek someone else to run 'In My Opinion' such as a charity or social enterprise.

## Efficiency

### Overall budget and efficiency

94. OCC has gone through a significant change during the tenure of the current Children's Commissioner, who has set out to streamline and restructure the office to make it 'more outward-looking'. The organisation is able to deliver on OCC's strategic priorities, with a focus on data and communications.

95. Although the Children's Commissioner is the Accounting Officer of OCC, in practice the day-to-day running of the finance and business administration is handled by the Head of Business Services. This allows the Children's Commissioner to focus on the principle aims of the role. OCC takes a pragmatic approach to sourcing services; some functions are delivered 'in-house', with other services secured through the department (notably their estate and IT infrastructure).

96. OCC is funded via Grant-in-aid, through the Department for Education.

97. The table below sets out the resource budgets and expenditure since 2015-16:

Year	Budget	% decrease in budget	Expenditure
2015/16	£2.924m <sup>17</sup>	No reduction	£2.949m <sup>18</sup>
2016/17	£2.764m	5%	£2.607m
2017/18	£2.563m	7%	£2.471m
2018/19	£2.484m	3%	

Source: Grant letters, [business plans and annual reports and accounts](#)

98. The breakdown of the annual budget for 2017/18 was as follows:

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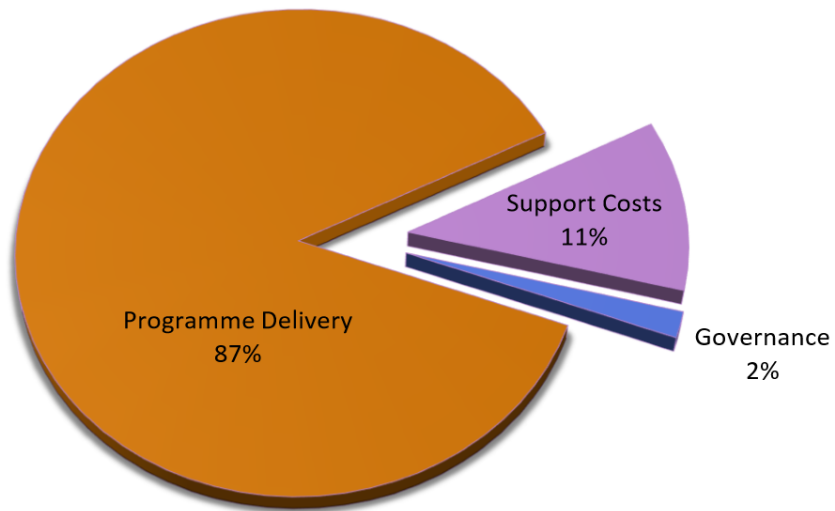
<sup>17</sup> £20k was deducted from the budget prior to grant-in-aid payment. This left the OCC with a budget for 2015/16 of £2.904m

<sup>18</sup> In the information taken from the [2015-16 Annual Report](#), OCC came in within budget (expenditure of £2.888m) but these were restated in 2016-17 to take account of £61k which should have been accounted for in 2015-16. This caused a small breach (1.5%) in their control totals. Expenditure has been within budget totals since and DfE are content that taking this into account OCC adhere to their budget limits and live within their means.

■ **Programme Delivery**  
Staffing, project spend etc.

■ **Support Costs**  
Premises, IT, finance and  
HR support etc.

■ **Governance**  
Internal and external  
audits, annual report  
etc.



Source: OCC (P17 of [OCC 2017/18 Business Plan](#))

99. OCC received a reduction in their annual budget of circa 15% since 2015/2016. The 2018-19 budget for the Children's Commissioner for England is £2.484 million, which OCC averages out to 21p per child.

100. OCC has a workforce of c.30 staff, and it is important for the department to recognise the small size of it when considering future budget allocations. As a smaller organisation, any future cuts will be difficult for it to absorb.

**Conclusion 8:** When considering OCC's budget, the government, via the department, should continue to recognise the critical role of OCC in promoting and protecting children's rights and fulfilling their commitments to the UNCRC.

**Conclusion 9:** As the department's Permanent Secretary is the Principal Accounting Officer (PAO) the department should continue to ensure that OCC delivers value for money; this will safeguard the PAO who is accountable to Parliament for the payment of grant-in-aid.

## Shared Services

101. OCC source a number of services from the department, including Commercial, Information and Communications Technology (ICT) and Human Resources (HR). A recent review of HR shared services has brought about financial savings, such as reduced costs for the employee assistance programme, complex casework service and Civil Service Learning. Although shared service agreements are reviewed, feedback

suggests that in some areas the department could respond more quickly when issues are being escalated.

**Recommendation 9:** OCC should continue to keep their shared service arrangements under regular review to establish if further value for money can be achieved. The department should work to ensure there is a clearer process in place to assist OCC in keeping shared service agreements up to date.

## Location

102. OCC is based in Westminster. The Children's Commissioner requires regular and direct contact with Parliamentarians and Ministers of State so it is important that the organisation has a presence in London. Although there could be an argument that not all staff need to be based there, the additional infrastructure requirements for a workforce of c.30 staff would arguably be prohibitive. Due to the multidisciplinary nature of teams and need to quickly step into different roles, operating across multiple sites would likely have a detrimental impact on OCC's performance.

## Estates

103. OCC operates out of self-contained offices within a departmental building. There is a Memorandum of Terms of Occupation (MOTO) in place. The department provides a proportionate rate based on office size and facility management services. OCC recognises the slight risk that this may impact on the extent to which it is perceived to be independent of government. Evidence gathered during the review suggests that this is being, and can continue to be, managed. Overall the review team believes that the value for money that OCC receives by being part of the departmental estates outweighs this risk.

**Recommendation 10:** OCC should continue to keep their estates arrangements under review. If considering a move out of DfE estate, they should liaise with Government Property Agency to consider options and seek relevant approvals.

## Workforce

104. The current OCC workforce is comprised of c.30 members of staff who are public servants, not civil servants. Details are illustrated in Annex D.

105. OCC employees have access to the Civil Service Pension Scheme. Although OCC staff are public servants, recruitment is in line with the Civil Service recruitment principles. OCC are accredited by the Civil Service Commissioner, which supports recruitment and movement of staff.

106. As a small organisation, with limited progression opportunities, OCC could be vulnerable to staff departures. OCC may want to seek further support from departmental HR in considering mitigating actions such as offering secondments and wider career development opportunities.

107. The Children's Commissioner determines the pay and reward for staff, which is in line with the wider civil service (though staff are public servants, rather than civil servants). The pay award is reviewed by OCC's Remuneration Committee, with consultation with departmental HR, prior to clearance by the Secretary of State in September each year.

108. OCC currently recognise and reward staff via end-year performance ratings. Though it has autonomy in deciding on its appropriate approach, it may wish to seek additional support from departmental HR in utilising additional approaches.

109. OCC has an Equality and Diversity strategy in place and collect diversity information for recruitment purposes. It does not collect other diversity information as employees would be easily identified. The Equality Act 2010 [Specific Duties for Public Authorities] Regulations 2017 requires employers with 250 or more employees to report their gender pay gap data on an annual basis. OCC has circa 30 employees and therefore they are not required to publish details of any gender pay gap, though a breakdown of gender by roles is illustrated at Annex D.

## **Finance**

110. OCC uses a recognised accounting system which is the same one used by the department. This has led to improvements in efficiencies in terms of shared services costs, the previous licence fees (circa £15k p.a.) and functionality meaning a greater level of automation and reduction of unnecessary manual tasks.

## **Procurement, commercial and Cabinet Office spending controls**

111. OCC's business support team provides in-house commercial capacity and common spend is channelled through the Crown Commercial Services' (CCS) centralised purchasing arrangements.

112. The Children's Commissioner draws on additional expert commercial advice when needed by way of a shared services agreement with the department. Staff therefore have access to commercial knowledge and upskilling. At present OCC call upon the departmental Commercial Business Partners for support and advice on an ad-hoc basis. However, more structured and regular engagement may help to ensure that opportunities for providing departmental support or expertise are actively identified.

**Recommendation 11:** OCC and departmental Commercial Business Partners should review their engagement to continue to ensure that all commercial opportunities are optimised.

113. As a NDPB, OCC must adhere to Cabinet Office spending controls. However, as referenced in their current framework document, given its independent status a number of exemptions have been agreed:

- External recruitment - All non-contentious external recruitment can be authorised by the Commissioner. This replaces the requirement to seek approval from the department to recruit from outside the civil service or public sector
- Procurement - A 'procurement delegation will not be applicable, meaning that OCC does not need to seek agreement to purchase goods and services, subject to its adherence to the necessary financial controls
- Advertising and Marketing - OCC will submit a yearly plan which provides an overview of anticipated spend, which will enable approval to be given upfront and require no further recourse to the department. Where the need for reactive or unplanned communications arises, OCC will present a business case for any necessary further expenditure

114. These exemptions will be reassessed as part of the review of the framework document which will be finalised following the completion of the tailored review.

115. The 2015/16 annual report references a breach to spending controls and to procurement legislation, and includes the actions that were put in place to ensure that this did not occur again. Subsequently the Children's Commissioner has demonstrated adherence to all Cabinet Office spending controls.

116. The review team have concluded that OCC's procurement processes are acceptable but there is some scope for further improvement.

**Recommendation 12:** OCC should review their procurement processes and update these accordingly. OCC may want to seek procurement expertise to support this. Additionally, once OCC's updated framework document has been agreed and published, OCC should ensure that their internal controls continue to comply with Cabinet Office spending control requirements.

## Other considerations

### Devolution

117. The responsibility to promote and protect the rights of all children is held by the relevant children's commissioners in England, Northern Ireland, Scotland and Wales. Although these have some variations, the common identifier is the visible independence from government of Children's Commissioners (and their office) to promote the rights of children.

118. Although this responsibility is devolved, the UK government retains responsibility for non-devolved matters, including immigration (for the whole of the UK) and youth justice (for England and Wales). The Children's Commissioner in England's responsibility for these issues is set out in a [Memorandum of Understanding](#) (MOU). The Children's Commissioner for England consults with the other commissioners on any issue of relevance and within those parameters. The UK children's commissioners meet quarterly to discuss issues of common concern and to share best practice.

### Impact of the UK leaving the European Union

119. At the time of writing, the exact impact of EU Exit on children's rights cannot be understood. Whilst a 'final deal' is being negotiated, the focus of the Children's Commissioner has been on ensuring children are considered during the planning and negotiations. For example, by advocating for children to be considered in the process to help make sure that the outcomes achieved are in children's best interests.

120. The Children's Commissioner anticipates that EU Exit will have minimal impact on the functioning of the office. Whilst OCC does have some contact with equivalent Commissioners and Ombudsman across the EU, this is not a central element of their work and much of this work is undertaken on a bilateral and informal basis, which does not require EU membership. OCC has engaged with children across England about their expectations of EU Exit; the views of children are as varied as those of adults. OCC are keen that the impact of EU Exit on children is considered and have commissioned and published legal advice relating to children's citizenship rights. Whilst they are looking at the legal changes to children's rights that may arise as a result of EU Exit, their focus has been on the practical consequences for children and children's rights.

# Annex

## Annex A – Terms of Reference

### Purpose

To carry out a tailored review of the Office of the Children's Commissioner (OCC) in accordance with the Cabinet Office [guidance](#).

Tailored reviews ensure that Arm's Length Bodies (ALBs) remain fit for purpose, well governed and accountable for what they do.

The aim of a tailored review is to take a holistic look at each ALB to ensure its form best enables it to deliver its objectives, alongside looking at governance, efficiencies and opportunities for better partnership working. Cabinet Office oversee the programme but departments are responsible for delivering it. We are focused on taking a strategic and proportionate approach working in partnership with the ALBs. The review report will be published on GOV.UK and make recommendations for improvement where applicable.

### Background

The post of Children's Commissioner was created following a recommendation made by Lord Laming in the Victoria Climbié Inquiry. The role was established under the [Children Act 2004](#), which gave the Commissioner responsibility for promoting awareness of the views and interests of children.

The [Children and Families Act 2014](#) further strengthened the remit, powers and independence of the Commissioner and allowed an increased focus on the rights of children who are in or leaving care, living away from home or receiving social care services.

Independent of government and Parliament, the Children's Commissioner has unique powers to help bring about long-term change and improvements for all children, particularly the most vulnerable. The Children's Commissioner also speaks for wider groups of children on non-devolved issues including immigration (for the whole of the UK) and youth justice (for England and Wales).

The role of Children's Commissioner is a six-year fixed term post. Anne Longfield OBE is the current Children's Commissioner for England and is supported by a small team of staff who make up OCC.

OCC is an executive non-departmental public body (NDPB). The Department for Education's (DfE) is the sponsoring department of OCC and the relationship is managed by the Social Care, Mobility and Disadvantage (SCMD) Group.



## Objectives and Scope

As noted above, tailored reviews ensure that ALBs remain fit for purpose and ultimately seek to improve their performance by making recommendations based on the review findings.

The tailored review, will consider the following areas:

- Form and function - the status, form, function and continuing requirement for OCC will be assessed. The review will look at how well the body fulfil their role and will explore potential alternative delivery models.
- Governance – the review will confirm whether OCC are complying with recognised principles of good corporate governance and meet all requirements.
- Efficiency – the review will examine the current operational structure, corporate functions and related costs, and explore the potential for further efficiency savings.
- Effectiveness – by considering a range of factors, the review will consider the overall effectiveness of the body; including their use of resources to deliver against their objectives.
- Devolution – the review will look at the remit of OCC within England and how it relates to other devolved administrations.
- The UK leaving the EU – the review is an opportunity to explore the impact of the UK leaving the EU on OCC and, if appropriate, how it will respond.
- Location – the review will consider the current and potential future location of OCC to support regional and economic growth.

## Further information

### Timescales

The period of the review is expected to be two months, commencing on 1 August 2018.

### Cabinet Office designation

The tailored review of OCC has been designated as a tier 3 review; further details on tier 3 reviews can be found in the Cabinet Office [guidance](#).

### Evidence Gathering

The review will gather evidence in a range of ways, including engagement with OCC (in the form of a Call for Evidence and interviews with senior staff), liaison with departmental Functional Leads and stakeholder evidence.

As this is a tier 3 review the evidence gathering will be proportionate, in line with Cabinet Office [guidance](#) principles.

### Clearance

The report will be cleared by the Parliamentary Under Secretary of State for Children and Families, and the Cabinet Office Public Body Review Team.

## **Annex B – Stakeholders consulted**

OCC has a broad range of stakeholders across government, Whitehall and the children's rights sector. In taking a proportionate approach to this review, the review team identified a range of stakeholders to provide a sample representation of views. The stakeholders given the opportunity to input into the review included:

### **OCC**

- Children's Commissioner
- Director of Evidence
- Director of Strategy and Policy
- Representative of the Advisory Board
- Representative of the Audit and Risk Committee

### **Department for Education**

- Departmental Corporate Services Leads
- Deputy Director for Children in Care and Permanence
- Director of Children's Social Care, Practice and Workforce

### **External stakeholders**

- The Association of Directors of Children's Services
- Association of School and College Leaders
- BBC Children in Need
- Big Lottery Fund
- Children's Rights Alliance for England
- Department for Work and Pensions
- Equality and Human Rights Commission
- Ministry of Housing, Communities and Local Government
- National Health Service
- Ofsted
- United Nations International Children's Emergency Fund
- Youth Justice Board
- Founder of Childline

We would like to thank all those stakeholders who contributed.

## **Annex C – Delivery Options Checklist**

### **The Form of OCC**

#### **Abolish**

The Children’s Commissioner has a legal duty to promote and protect the rights of all of England’s children and young people in accordance with the UN Convention on the Rights of the Child.

#### **Bring in house**

OCC requires taxpayer funding (societal benefit and stability of funding), but must have the ability and freedom to champion children’s rights, including challenging government where appropriate. There is an expectation that OCC challenge government policies, when it is considered to be in the interest of the rights of children. A delivery model that places this function in central government is not compatible with this expectation.

#### **Deliver via an Executive Agency**

Parliament’s credibility is reliant upon OCC being independent from central government (and being perceived as such). This would present risks to both.

#### **Deliver via a Non-Ministerial Department (NMD)**

OCC is not large enough to be considered as an NMD. There is also a risk around perceived independence from government if staff were civil servants, rather than public servants.

#### **Merge with another body**

The closest body in function is the Equality and Human Rights Commission. Any merger may ‘water down’ the importance of children’s rights and leave England as the only country in the UK without a distinct children’s commissioner.

#### **Deliver via Statutory Office Holder (Departmental)**

This is similar to NDPB, with the key exceptions being it would become part of the department (although act apolitically) and the commissioner would require support by civil servants. As there is an expectation that OCC will challenge government policy ‘without fear or favour’ a delivery model that places the functions as part of the department is not compatible.

#### **Deliver via Statutory Office Holder (Parliamentary)**

This is also similar in structure to the current arrangements, but the key differences are the commissioner would become directly accountable (rather than a minister). The body would receive its own budget estimate, as opposed to via grant-in-aid from the

sponsoring department. OCC operates with clear independence and this option is unlikely to bring pragmatic benefits.

### **Transfer to local government**

This would not be appropriate as the rights of children is a national issue.

### **Transfer to charitable or voluntary sector**

OCC work with the charitable and voluntary sector, but it is not appropriate that the functions are delivered by any of these sectors; this would remove all accountability from Parliament, both in perception and practice. Additionally, an ongoing commitment of government funding ensures the sustainability of the office and the delivery of an essential national commitment to the rights of children.

A move to lobbying for funding would be likely to undermine the importance the government places on the role of the Children's Commissioner and distract from a focus on delivery. In order to fulfil its remit, OCC requires secure funding.

### **Transfer to commercial venture**

Children's rights are not a commercial enterprise.

### **Less formal structure**

OCC has legal responsibility for delivering core functions in line with the UNCRC. A less formal structure would not be conducive to enabling this.

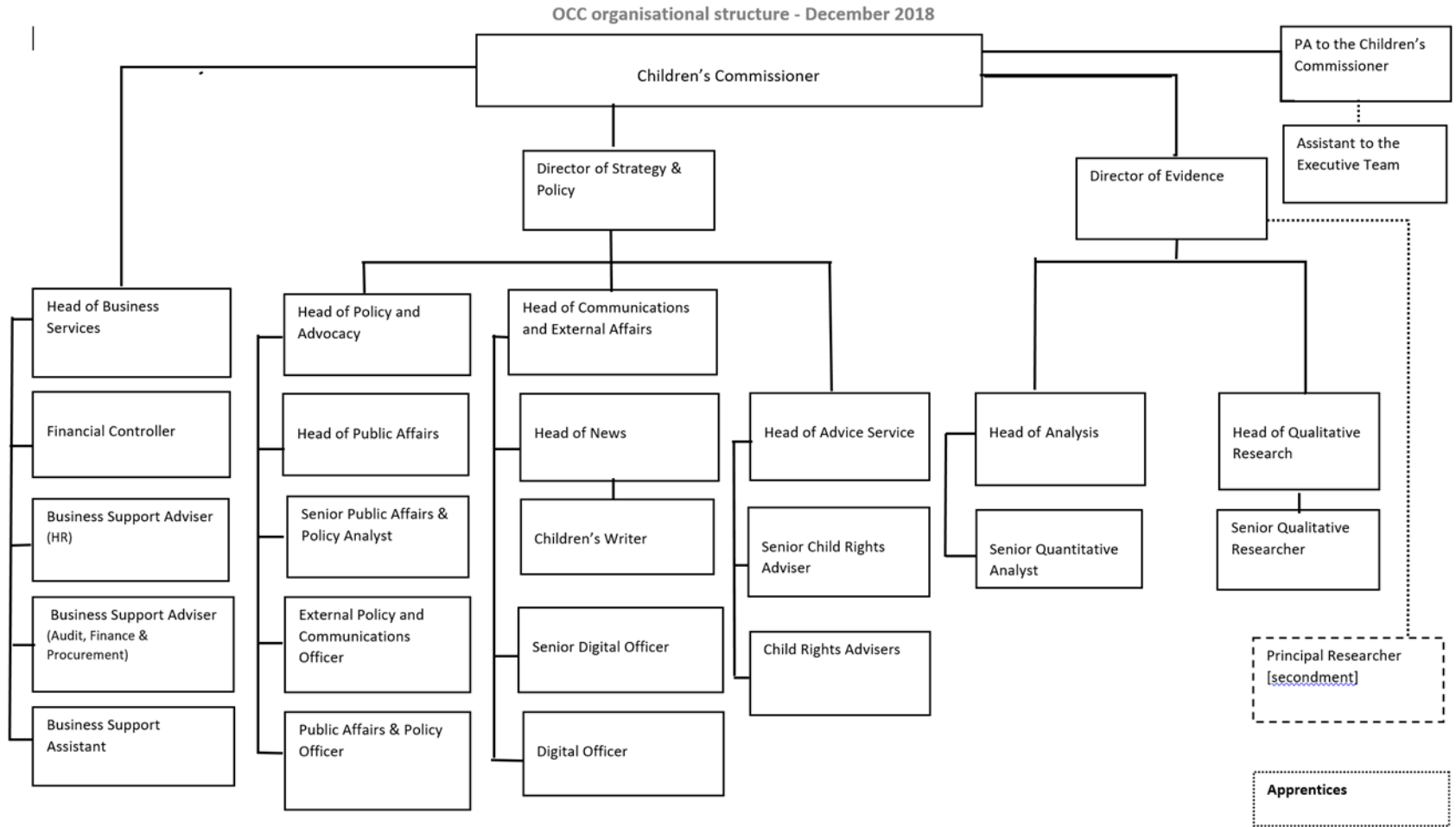
## Annex D – Details of OCC staffing

Gender breakdown by grade

<b>Grade equivalent</b>	<b>Male</b>	<b>Female</b>	<b>Total</b>
Director	1	2	3
Grade 6	1	2	3
Grade 7	2	3	5
Senior Executive Officer	2	2	4
Higher Executive Officer	0	8	8
Executive Officer	0	1	1
Executive Assistant	2	5	7
Total	8	23	31

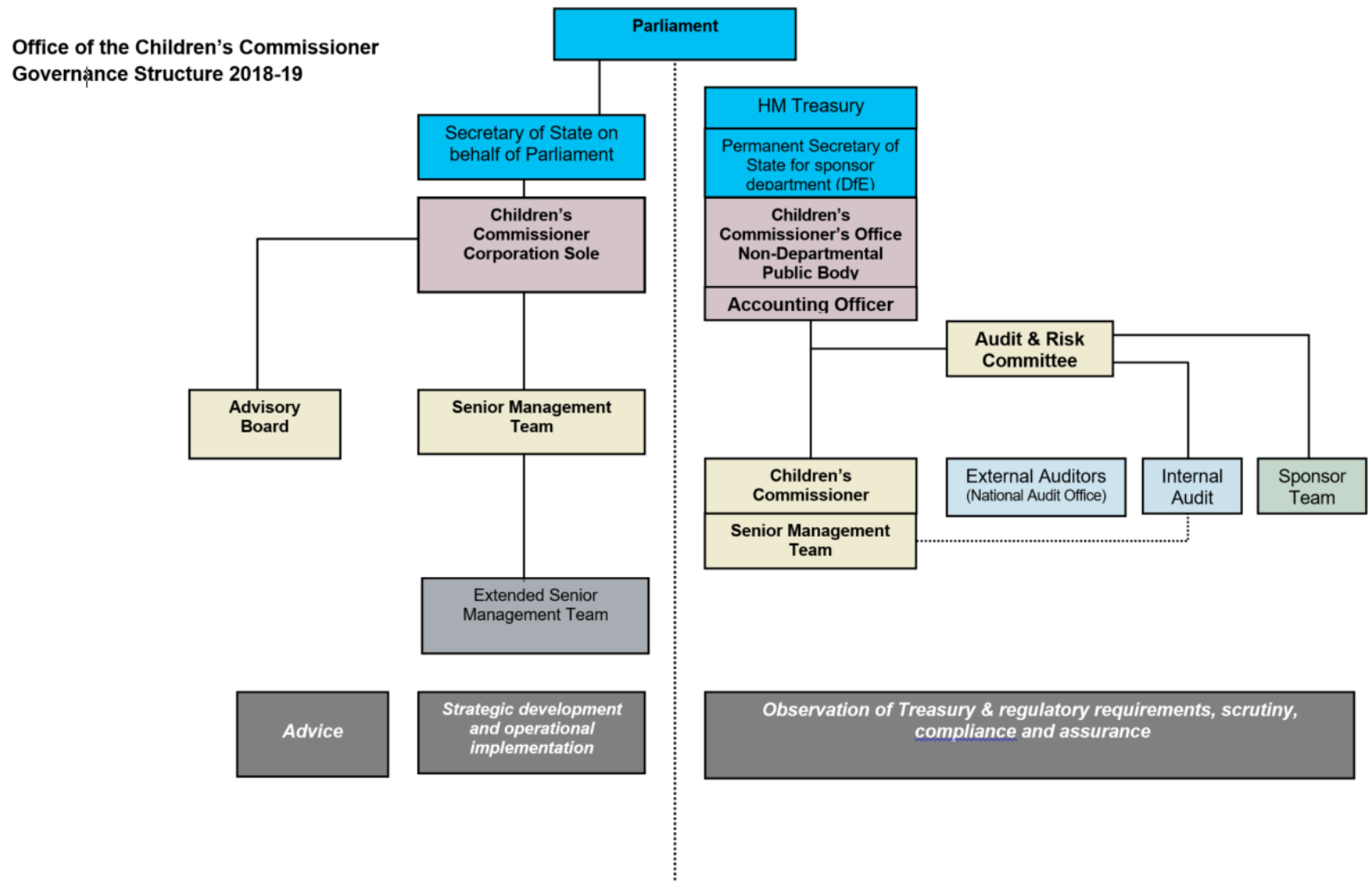
Source OCC (P36 of [OCC 2017/18 Annual Report](#))

# OCC organisation chart



Source OCC December 2018

# Annex E – OCC governance structure 2018/19



Source OCC October 2018



Department  
for Education

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