

Address to Michael Sieff Conference:

After dinner speech: How are the Children?

21 September 2010, Windsor

Good evening and thanks for this opportunity to address you. The after-dinner slot of course is a mixed blessing, depending on what the dinner was like, how tired people are, and whether they are not only tired but also shall we say, emotional.

The theme of this conference connects strongly with my work. My role rests on the notion that children and young people need advocacy from a national champion who leads debates about them from a position of rights, leadership and moral purpose. It was created with the backing of all three main political parties, though both during and since its creation there has been much discussion about the role and its powers, and we are currently under review. Ever the optimist and a public servant, it does not stop me, or the Office, doing the work we have to do.

I am concerned with all the outcomes we seek for our children, to ensure their wellbeing as young citizens. Where the voice of the child indicates I call for policy change, on safeguarding, health, education, active citizenship, and how well we ensure their economic wellbeing. The job is about all 11.8 million children in England, but with a particular regard for the most vulnerable and marginalised.

I am unique because I have the legal right of entry into any setting where children and young people are cared for, except their homes. If they give their permission I am empowered to speak with them in private. I must seek, and having sought must publish, their as well as adults' views on how they should inform policy making, reflecting back to those holding power in both localities and central bodies. I can require any statutory body to respond in writing, within a timescale I determine. This audience will not be surprised that much of what children and young people say to me is about their sense of self, the personal and emotional worth they consider they have, how much worth they are accorded by society, their ability to gain and apply personal resilience to the challenges they face. Adults' challenge in return is to rise to their simple request that we enable them to be citizens, guided by the promises we made to them in 1991 when we signed the United Nations Convention on the Rights of the Child (UNCRC.)

I cannot take up individual cases and am not an ombudsman. My opposite number in Eire can, and is. We have scaled up from her numbers, and estimate that if we had such powers we might expect well over 10,000 complaints a year, and potentially be sidetracked from strategic work on policy. Where there is evidence from children and young people that a matter will inform policy for children more generally, I can institute an enquiry having sought the views of the Secretary of State. I also intervene in court cases that set precedents.

My vision, I hope like yours, starts and ends with a society hell-bent on simply ensuring wellbeing. It is that all children and young people are actively involved in shaping all the decisions that affect their lives. ... That they can achieve their full potential and can get appropriate services, which they have a hand in shaping. ... That they live in homes and communities where their responsibilities are learned and their rights respected in equal measure, where they are loved, safe, and enjoy their lives. I use my powers and independence to press for the views of children and young people of all ages to be listened to so that services and their impacts improve. I press for a routine that if a policy is about them, children's and young people's views on it are automatically asked for and acted on, even when the action is to inform them they cannot have what they want, and to explain why. They should be able to tell me how they know they make a difference to the way services work, including by exercising their right to complain.

I seek to assure that we all bring children's and young people's thinking into decision and policy making. Most of the time this work provides a positive experience for all concerned. It opens adult and young eyes alike, securing and strengthening channels for meaningful, productive conversations, healthy debate and positive change. Now and again it is anything but comfortable, but no less necessary or ultimately rewarding

Against this background I do what I do. In February we published our second report on asylum seeker children detained in preparation for deportation at Yarl's Wood. There was still room for improvement. Those who have read it

will know primary aged children were key to the evidence. Their stories speak volumes about environments and practices that, however they had improved since the first report, were still not ensuring their security or self worth, or their wellbeing. We did not shirk from continuing to call for change. We were delighted when the government announced it will end detention and work out how to deal better with their needs. My office is working with the government on securing the necessary change. Any state has a right to limit immigration. But what is done needs to give consideration and subsequent action to the fact that the detainees we focus on are children, usually traumatised and troubled. The UNCRC challenges us on how we deal with children and young people who seek safety here when their homelands cannot guarantee it, and we have some standards to live up to.

Just before the General Election campaign we published research on increasing the media's access to family courts. Most children, in both the public and private processes, expressed the gravest reservations about their often intimate circumstances being open to the media, whatever the promises about anonymity, which frankly they did not believe. The UNCRC enshrines the child's right to the protection of privacy, and we considered this change to the family courts would deny that. The voices of vulnerable children and young people are woven through a powerful report, the majority saying firmly, "please don't let them do this, or I will not tell my story to anybody, and then surely I will be more at risk." During the Wash-Up, the Bill became an Act. We have worked, with the Judges leading the Family Courts on what it could all mean in practice. A review is now underway, to be led by the MoJ. My report

having been quoted in Hansard as their Lordships gave a dusty response to the Wash-Up process, I warmly welcome this.

We have published an important report on how services might work better with families who for many reasons resist working with the professionals in the very specialist services it is clear they need. The report is not a comfortable read, being full of families' critical appraisals of how far the professionals understand their difficult lives. We consider it a powerful contribution to the debate about vulnerable families. But we launched it in a focused way, because we consider it has potential in service and staff development rather than being used as a stick to beat hard pressed professionals. C4EO will use it in training and development.

You can find information about these and many other issues we work on, on our website, in our regular e-newsletter, blogs, and by following us on Twitter.

Children and young people should experience that they are understood and valued by adult society. Those I meet – and between my staff and I we have met around 2000 since March - say consistently they want to understand and value it in return. Improving inter-generational understanding and perceptions is therefore one of my aims. You will not be surprised it lies at the heart of their concerns.

As you know we inhabit a busy and crowded policy landscape. There is much going on! So: We strongly welcome Sir Ian Kennedy's Review on, and at this

conference where wellbeing is at the heart of the discussion I call on us all to act with a will on its urging on us to improve health services so they are properly attuned to the needs of children and young people. Hammersmith and Fulham's youth forum, which has worked as critical friends with the PCT and the GPs, could have written that report. They are fearsome, ahead of the game, articulate champions for their generation. And Sir Ian knows about them!

We are working on safeguarding, reporting children and young people's experiences of the system, capturing and reporting their take on social work; the courts; being in or leaving care. We are tasked by the Munro Review to ensure children and young people have a voice in its work, and by the Family Justice Review to do the same vital work. Our own submission to the review is on our website now, full of the words of children and young people who challenged a Munro team researcher on a day we hosted, and who gave us their permission to print their words.

We have been involved in discussions about the publication of Serious Case Reviews. I believe we must be careful in publishing in full, and I welcomed Minister Tim Loughton's signal to the Select Committee last week that where LSCBs have serious concerns about the safety of those involved, the Department will engage in dialogue about whether publication is necessary. The challenge is that many children who are the subject of reviews have surviving siblings who need to be protected. Published Reviews' content needs to be so securely anonymised that nobody, however dedicated, could

pull a thread to reveal their life circumstances; or those of professionals who take tough decisions and put their personal and professional safety on the line.

We will report what children and young people tell us about the ill effects on their wellbeing when they live with domestic violence, or with adults whose damaging behaviours impact on them. This includes how life is when they become one of England's many thousands of young carers, or when they have a parent in prison. We are working with the BBC on the potential for telling children's stories.

We will continue, including where it is uncomfortable or difficult, to lead discussions on the Youth Justice system. This includes but is about far more than raising the age of criminal responsibility. We are waiting to publish, for the YJB once they have ministerial clearance, a report on the user's voice in youth justice settings. It will be another informative if challenging read. Youth Justice is an area of English practice on which the United Nations consistently criticises our approach. Numbers in the system have started to fall, but have further to go. I welcome what the Justice Secretary has said so far about a system built on rehabilitation and restitution.

Most Young Offenders are also victims: of their backgrounds, of their or others' illnesses, of neglect or abuse, of living chaotic lives in awful circumstances well before they offend. As a signatory of the UNCRC and a civilised Western nation that seeks to learn in so many areas from other nations who do this, it is time for us to begin to work as if all of them, including

those who have committed truly awful offences, are children first. Tonight as we end our dinner, around 2,000 children will be behind bars, many of them under 14. They may stay there, in the worst cases, for 23 hours out of the coming 24. They can be strip searched and segregated, and restrained including through the use of pain. And they are children.

We recently reported children's and young people's views on their participation and involvement in decision making, and you will not be surprised to hear that the picture they paint is mixed. When they are guided on how their views can be got across, and adults are reciprocally trained to listen and take their views seriously, they contribute invaluablely to the development of policy and practice. Where adults perceive what is being asked for is to put children in charge and there is therefore resistance, the gulf in intergenerational understanding becomes ever harder to bridge. We host a participation pilot for the South East region which will capture good practice we want to share. We have also provided advice to officials who are advising on such schemes as the National Citizenship Service, always informed by what young people tell me.

Last year 30,000 children and young people, and 1,000 organisations took part in the Commissioner's Takeover Day. I challenge you now to help thousands more to take over this year. Mark the date: Friday 12 November, just over a week before the UNCRC's 21st birthday. The Co-op will be involved, as Takeover Day chimes with their Truth About Youth and Inspiring Young People campaigns. A young person will chair Any Questions for one

question. On my website are both support and ideas for your and young people's use.

I am also out and about, meeting and listening to children and young people. I meet every age from 1 to 19, from many ethnic and religious backgrounds, in children's centres, ordinary, special and independent schools, FE settings, play schemes, youth settings, health provision, conservation projects, volunteering programmes, young offenders' institutions, child and adolescent mental health provision, and more. Everywhere, I take note of children's and young people's wishes, opinions and concerns. These are best summed up, at all ages, as wanting to understand and participate in the world they will inherit from us, and to be listened to and understood by it in return. Wanting to learn and exercise their responsibilities and their rights, in a climate of mutual respect.

Through our laws and in our practice, we must live out our commitments to children. The listening we do, the actions we carry out as a result, should be consistent with our promises to them, including when their lives are not conducive to their emotional and mental wellbeing. The UNCRC underpins all I do, and embodies those promises. One vital Article is number 3: that all we do must be in the interests of the child. Some Articles are about basic human rights: to have a name; to be safe; to be educated in the round, not as simply people who will gain qualifications; to hold a belief and not be discriminated against for it; to be loved and nurtured; to be tried in a way you understand if you have done wrong; to go to prison only as a last resort; to

have your right to privacy upheld. The UN challenges us to act where we are found wanting.

Article 12 says children and young people have a right to have their voices heard and taken seriously in all decisions that affect their lives. We have commissioned research asking how well we do this. We are weakest with those who have the harshest messages, hardest to listen to with nought for our comfort: in youth justice, immigration and safeguarding settings, whose wellbeing and emotional health are least well supported.

It is part of my job to reflect children and young people's views on and aspirations for education, including what they think of the policies that drive the system. My line is simple to describe, probably somewhat harder to do. It is that whoever runs their schools in whatever configuration, all English children and young people deserve a good, rounded, exciting, fit for purpose education that nurtures them and strengthens their self awareness, self confidence and emotional as well as other intelligences, whoever they are, whatever their circumstances. Articles 3, 12, 28 and 29 apply.

While all English children attend school unless they are home educated, ill, or for other reasons do not go there, not all get the same quality of education. On almost every measure of educational success, from where they get a place if places are scarce, to exam results, to exclusions, to disrupted experiences whilst there, to university admission and eventual graduate success, those from poorer households, some boys, and certain minority

ethnic groups, do less well than their peers. They are the same children who are likeliest, in particular communities, to lack what would ensure their most basic needs are met: for warmth, shelter, safety, food, comfort, nurture. As a matter of social justice, this is not what we – or they - should experience. I will champion an education system where the adults in charge ensure no child, especially these children, fall through the cracks in the system, where every child can develop their talents and be a fully engaged member of society. Some of those working in the system are concerned that the results of new legislation could make it hard to ensure this moral line is held, especially for the most vulnerable. I will watch what happens as schooling models diversify, because these very children are at the core of my remit. They tend to be least listened to, hardest to be steadfast about in our shared duty of care.

It matters not to me who runs schools. The deal I champion is the one all our children and young people get, whoever runs them. I want a system where children and young people are taken seriously, in which they have a voice. This does not mean putting the pupils in charge. It means actively enabling them to have their voices heard, as part of ensuring their wellbeing. It is about including their views in effective school councils, in decision making on a new facilities design, or who should be offered the contract for school meals. Given they will learn in the new spaces and consume the meals, asking them makes sense. In my experience they come to such discussions with a sense of responsibility because they represent their peers.

Young people have personal and collective responsibilities to their schools and other services, the adults in them, and each other. There is a contract,

where for example pupils and teachers agree to treat each other with respect, where mutuality must be observed. Where the contract is explicit, pupils and teachers agree a charter, with all concerned clear about what is expected. Teachers must have the space to teach without fear of disruption and have the tools to maintain order. Pupils have a shared responsibility to work together to ensure this happens for adults who, in most cases I see, have a personal vocation to teach them. Reciprocal wellbeing is palpable when such mutually respectful ways of working obtain, and the work that needs to be done can be done. Children as young as 6 in a school I visited told me this is not about children being in charge. It is about mutual respect across all the ages in a school, with everybody taking personal and collective responsibility for the safety, equilibrium and overall wellbeing of every adult and child in it, as a foundation for the enjoyment of one's rights under the UNCRC. Where schools get this balance right, research shows bullying diminishes, exclusions fall, attendance rises, attainment improves, positive relationships with the community are sustained.

But for some children and young people, however supported and challenged, there are such troubles in their lives that they are fish out of water, disrupted and disruptive in school and community alike. In extreme cases, some will need to be excluded from school, not least to protect others' right to an education. However, given the serious long term consequences exclusion can have this should be a last resort. In many LAs, schools work together, on shared responsibilities for the hardest to place children and young people. Many have nurture facilities, and staff trained in nurture techniques. Secondary schools often have internal "alternative to exclusion" facilities.

Extended school clusters employ outreach and family liaison workers, and work tirelessly to keep children and young people schooled. For children's sake the endeavour is worth it.

Communities are often remarkably emotionally resilient – at least on the surface - when disaster strikes. Children in communities affected by flooding, or where there is turbulence and violence, will take their troubles into school, as you would, and as they did in the North East when Raoul Moat acted as he did in July, in Cumbria after the multiple shootings in June, in London on July 8th five years ago, in army garrison towns whenever there is another death at the front. Schools are not bubbles where all that happens is schooling. They are communities. In them, children find ways of bringing out what they need to deal with. It is incumbent on schools to have the facility to help them deal with their lives. Otherwise how do they learn? The crux is that the lives of children and young people lie in the hands of, and often revolve around the school. It is the most consistent service most of them use. Do enough professionals understand what's required then? Or is down to chance?

I expect us all to make sure that, when schools are freed from partnership obligations, they and we also remember the children and young people least likely to be resilient or emotionally robust. They might have a disrupted life for a wide range of reasons, and no school or service can deal with them on their own. Currently too many of them, already among the most vulnerable, drift away from having a robust connection with society on any level. As Commissioner I challenge us all to look at what happens to this group, and

work to improve their prospects as the system becomes more and more diversified.

And some closing challenges. To fulfil our promises to our children and young people across the piece, it is vital to have ongoing conversations we English sometimes prefer to avoid. If we want wellbeing for our children, especially in their primary years, we must engage in this debate. So: what are childhood and youth for? what are our shared ideals for our youngsters? what lengths will we will go to to secure them? how do we safeguard their present and ready them for their future? Are our children and young people meant to be happy, engaged in and challenged by learning, developing their own resilience, supported by adults who let them learn whilst being stretched, learning how to take risks without being foolhardy, growing to be truly learned? Or to give us measurable outputs from an education we seem determined to tinker with endlessly, that is so cleverly humanised by so many creative schools?

Are our children here to be exposed to harm one minute as if we can hasten their meeting the challenges they must face in life, but cocooned the next as we try to shield them from the harm we fear they will come to? How are they to become independent, rounded individuals if our guarding them means 45 years ago as a primary school child I played a mile or more from home, climbing trees and falling into streams for hours on end, unsupervised, with a mixed gender gaggle of friends, some a bit rough, many of whom my parents did not know, then 20 years ago the distance was the end of the street, ten

years ago next door, and for too many now it is no further than the back garden, and then only if an adult is supervising?

We can't answer these questions unless we make space to ask them, in conferences like this one.

And so to close with a reminder of the realities you and I know are out there. Most English children are well parented, well taught, healthy, balanced young citizens, already asleep by this time of night after a bedtime story in a warm, secure, loving home, and ready to face life's challenges. Most beyond home are supported by trusted adults who understand children and work with them because they like them. Some are needier, challenged or challenging, troubled or in trouble. A tiny minority, particularly in the primary years, are massively damaged, likely to do themselves or others serious harm unless we turn them round. I will go on challenging all of us to decide what to do about dealing with their problems, not just punishing them for what we as a society have somehow failed to do to safeguard their wellbeing, leaving them doing wrong because they have to do something.

We need, if the Big Society is to bear fruit, to acknowledge and work on both our wholeness and brokenness, and theirs. Both are as real in them as in the adults around them. The challenge for all of us is to celebrate the wholeness, and work on the brokenness with a shared determination that only the best will do. I'm asking us all to listen to and believe in your children and young people, and enable them to be all we would wish them to be.

And now please raise your glasses. Ladies and gentlemen, I give you:

ENGLAND'S CHILDREN