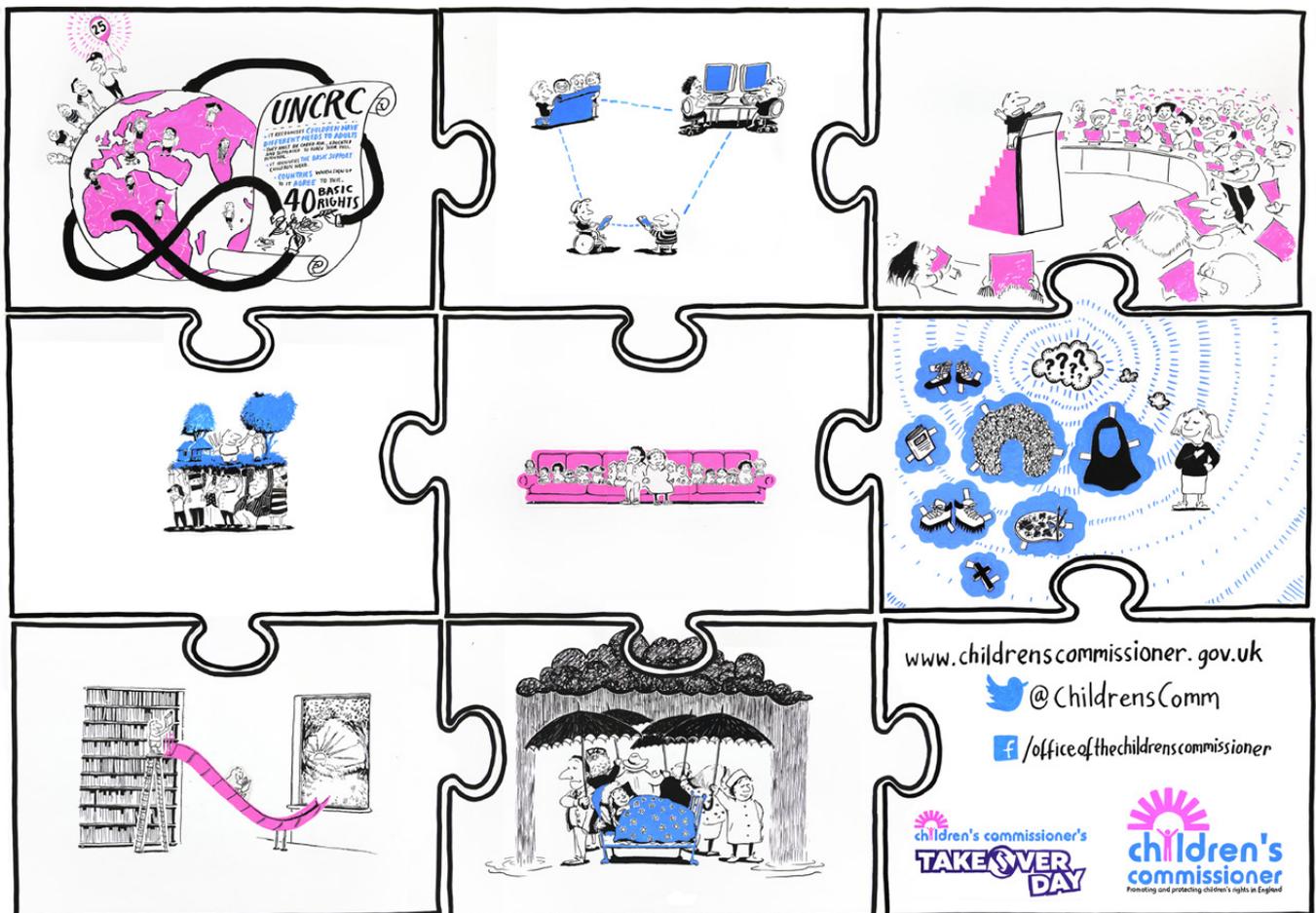


Why Rights Matter

The United Nations Convention on the Rights of the Child and the work of the Children's Commissioner for England



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About the Office of the Children's Commissioner

The Office of the Children's Commissioner (OCC) is a national public sector organisation led by the Children's Commissioner for England, Dr Maggie Atkinson. We promote and protect children's rights in accordance with the United Nations Convention on the Rights of the Child (UNCRC) and, as appropriate, other human rights legislation and conventions.

We do this by listening to what children and young people say about things that affect them and encouraging adults making decisions to take their views and interests into account.

We publish evidence, including that which we collect directly from children and young people, bringing matters that affect their rights to the attention of Parliament, the media, children and young people themselves, and society at large. We also provide advice on children's rights to policy makers, practitioners and others.

The post of Children's Commissioner for England was established by the Children Act 2004. The Act makes us responsible for working on behalf of all children in England and in particular, those whose voices are least likely to be heard. It says we must speak for wider groups of children on the issues that are not-devolved to regional Governments. These include immigration, for the whole of the UK, and youth justice, for England and Wales.

The Children and Families Act 2014 changed the Children's Commissioner's remit and role. It provided the legal mandate for the Commissioner to promote and protect children's rights. In particular, we are expected to focus on the rights of children within the new section 8A of the Children Act 2004, or other groups of children whom we consider are at particular risk of having their rights infringed. The Act also allows us to provide advice and assistance to and to represent these children.

Our vision

A society where children's and young people's rights are realised, where their views shape decisions made about their lives and they respect the rights of others.

Our mission

We promote and protect the rights of children in England. We will do this by involving children and young people in our work and ensuring their voices are heard. We use our statutory powers to undertake research, investigations and inquiries, and our statutory position to engage, advise and influence those who make decisions that affect children and young people

The United Nations Convention on the Rights of the Child

From a summary available from UNICEF

Article 1 (definition of the child)

Everyone under the age of 18 has all the rights in the Convention.

Article 2 (without discrimination)

The Convention applies to every child whatever their ethnicity, gender, religion, abilities, whatever they think or say, no matter what type of family they come from.

Article 3 (best interests of the child)

The best interests of the child must be a top priority in all actions concerning children.

Article 4 (protection of rights)

Governments must do all they can to fulfil the rights of every child.

Article 5 (parental guidance)

Governments must respect the rights and responsibilities of parents to guide and advise their child so that, as they grow, they learn to apply their rights properly.

Article 6 (survival and development)

Every child has the right to life. Governments must do all they can to ensure that children survive and grow up healthy.

Article 7 (registration, name, nationality, care)

Every child has the right to a legally registered name and nationality, as well as the right to know and, as far as possible, to be cared for by their parents.

Article 8 (preservation of identity)

Governments must respect and protect a child's identity and prevent their name, nationality or family relationships from being changed unlawfully. If a child has been illegally denied part of their identity, governments must act quickly to protect and assist the child to re-establish their identity.

Article 9 (separation from parents)

Children must not be separated from their parents unless it is in the best interests of the child (for example, in cases of abuse or neglect). A child

must be given the chance to express their views when decisions about parental responsibilities are being made. Every child has the right to stay in contact with both parents, unless this might harm them.

Article 10 (family reunification)

Governments must respond quickly and sympathetically if a child or their parents apply to live together in the same country. If a child's parents live apart in different countries, the child has the right to visit both of them.

Article 11 (kidnapping and trafficking)

Governments must take steps to prevent children being taken out of their own country illegally or being prevented from returning.

Article 12 (respect for the views of the child)

Every child has the right to say what they think in all matters affecting them, and to have their views taken seriously.

Article 13 (freedom of expression)

Every child must be free to say what they think and to seek and receive information of any kind as long as it is within the law.

Article 14 (freedom of thought, belief and religion)

Every child has the right to think and believe what they want and also to practise their religion, as long as they are not stopping other people from enjoying their rights. Governments must respect the rights of parents to give their children guidance about this right.

Article 15 (freedom of association)

Every child has the right to meet with other children and young people and to join groups and organisations, as long as this does not stop other people from enjoying their rights.

Article 16 (right to privacy)

Every child has the right to privacy. The law should protect the child's private, family and home life.

Article 17 (access to information from mass media)

Every child has the right to reliable information from the mass media. Television, radio, newspapers and other media should provide information that children can understand. Governments must help protect children from materials that could harm them.

Article 18 (parental responsibilities; State assistance)

Both parents share responsibility for bringing up their child and should always consider what is best for the child. Governments must help parents by providing services to support them, especially if the child's parents work.

Article 19 (protection from all forms of violence)

Governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and mistreatment by their parents or anyone else who looks after them.

Article 20 (children deprived of a family)

If a child cannot be looked after by their family, governments must make sure that they are looked after properly by people who respect the child's religion, culture and language

Article 21 (adoption)

If a child is adopted, the first concern must be what is best for the child. The same protection and standards should apply whether the child is adopted in the country where they were born or in another country.

Article 22 (refugee children)

If a child is a refugee or seeking refuge, governments must ensure that they have the same rights as any other child. Governments must help in trying to reunite child refugees with their parents. Where this is not possible, the child should be given protection.

Article 23 (children with disability)

A child with a disability has the right to live a full and decent life in conditions that promote dignity, independence

and an active role in the community. Governments must do all they can to provide free care and assistance to children with disability.

Article 24 (health and health services)

Every child has the right to the best possible health. Governments must provide good quality health care, clean water, nutritious food and a clean environment so that children can stay healthy. Richer countries must help poorer countries achieve this.

Article 25 (review of treatment in care)

If a child has been placed away from home (in care, hospital or custody, for example), they have the right to a regular check of their treatment and conditions of care.

Article 26 (social security)

Governments must provide extra money for the children of families in need.

Article 27 (adequate standard of living)

Every child has the right to a standard of living that is good enough to meet their physical, social and mental needs. Governments must help families who cannot afford to provide this.

Article 28 (right to education)

Every child has the right to an education. Primary education must be free. Secondary education must be available to every child. Discipline in schools must respect children's human dignity. Wealthy countries must help poorer countries achieve this.

Article 29 (goals of education)

Education must develop every child's personality, talents and abilities to the full. It must encourage the child's respect for human rights, as well as respect for their parents, their own and other cultures, and the environment.

Article 30 (children of minorities)

Every child has the right to learn and use the language, customs and religion of their family whether or not these are shared by the majority of the people in the country where they live.

Article 31 (leisure, play and culture)

Every child has the right to relax, play and join in a wide range of cultural and artistic activities.

Article 32 (child labour)

Governments must protect children from work that is dangerous or might harm their health or education.

Article 33 (drug abuse)

Governments must protect children from the use of illegal drugs.

Article 34 (sexual exploitation)

Governments must protect children from sexual abuse and exploitation.

Article 35 (abduction)

Governments must ensure that children are not abducted or sold.

Article 36 (other forms of exploitation)

Governments must protect children from all other forms of exploitation that might harm them.

Article 37 (detention)

No child shall be tortured or suffer other cruel treatment or punishment. A child shall only ever be arrested or put in prison as a last resort and for the shortest possible time. Children must not be put in a prison with adults and they must be able to keep in contact with their family.

Article 38 (war and armed conflicts – see 'Optional protocols')

Governments must do everything they can to protect and care for children affected by war. Governments must not allow children under the age of 15 to take part in war or join the armed forces.

Article 39 (rehabilitation of child victims)

Children neglected, abused, exploited, tortured or who are victims of war must receive special help to help them recover their health, dignity and self-respect.

Article 40 (juvenile justice)

A child accused or guilty of breaking the law must be treated with dignity and respect. They have the right to

help from a lawyer and a fair trial that takes account of their age or situation. The child's privacy must be respected at all times.

Article 41 (respect for better national standards)

If the laws of a particular country protect children better than the articles of the Convention, then those laws must stay.

Article 42 (knowledge of rights)

Governments must make the Convention known to children and adults.

Article 45

UNICEF can provide expert advice and assistance on children's rights.

Optional protocols

In 2000, the UN General Assembly adopted two optional additions to strengthen the Convention. One protocol required governments to increase the minimum age for recruitment into the armed forces from 15 years and to ensure that members of their armed forces under the age of 18 do not take a direct part in armed conflict.

The other protocol provides detailed requirements for governments to end the sexual exploitation and abuse of children. It also protects children from being sold for non-sexual purposes – such as other forms of forced labour, illegal adoption and organ donation.

Some Articles are accompanied by UN-agreed General Comments. These are detailed commentaries on what a State Party does when an Article is fulfilled, and what children's experiences are in that nation because of that fulfilment. They are useful because they describe how Articles are brought into practice. Twenty-five years ago the United Nations adopted its Convention on the Rights of the Child (UNCRC). It is now the world's most signed international human rights treaty.

Foreword from the Children's Commissioner for England

As Children's Commissioner for England, the UNCRC is at the centre of my work. It is my statutory remit to promote and protect the rights of England's 12 million children and young people and to bring to public notice their views, interests and opinions. I am here to champion their rights, as citizens of a country that should strive to ensure they are upheld. I must also have a particular regard for the children and young people who are the most vulnerable, at risk, marginalised and least likely to be heard. If a young person is in or has left care or has an additional or special need or disability, my responsibility extends to their 25th birthday.

My Office concentrates its energies on areas where children's rights are infringed. In the pages that follow you will read about how the Office of the Children's Commissioner champions England's

children and young people. You will find remarkable accounts of children and young people speaking and acting for their own and future generations' chances to be productive, constructive citizens.

You will read about how we challenge society and its policymakers and practitioners. We are urging them all to see, and to act on, injustice, inequality, and the struggles taking place in too many young lives. You will also find our analysis of the difference our work continues to make – an affirmation for why there must be both a Children's Commissioner for England, and an Office that strives to fulfil the remit of that post-holder.

Our work rests on three vital, strong, indivisible pillars. They are:

- the promises made to children and young people in laws, conventions and charters
- how far all the available evidence tells us we are choosing to fulfil these
- the sometimes searing, always frank, experiences of children and young people.

It is astonishing to me that by 28 February 2015 I will have been Children's Commissioner for five years. I could not have done my job without the tenacity and insight of the small team of people whose work features in this report. The staff at the OCC bring clarity of purpose, focused knowledge and immense integrity to what they do – I would like to thank them for their work on behalf of children and young people.



It has been a professional privilege, and a personal honour, to do this job. I succeeded England's first Children's Commissioner, Professor Sir Al Aynsley-Green, and some of the work showcased here was done during his championing of children's rights between 2005 and 2010. Late in my term, I also inherited duties and powers relating to children in or leaving care, receiving social care services, or living and learning away from home, from Dr Roger Morgan, formerly Director of Children's Rights at Ofsted. I thank both of these former champions.

I have been unfailingly both supported and challenged by my Commissioner and Ombudsman colleagues across the UK and Europe, and by Parliamentarians, professional leadership communities, leaders in their own fields, and children and young people themselves. My thanks go to them all. Finally, I wish my successor and the team at the OCC as much good fortune, and as much deep reflection and learning as I have experienced in this vital role.



Dr Maggie Atkinson
Children's Commissioner for England

1. Why children's rights matter

About this report

The aim of this report is twofold. It promotes the UNCRC, which was ratified by the UN 25 years ago, and it demonstrates how the Commissioner's unique powers and duties have been used to ensure the rights of children are protected and assured.

It discusses the importance of rights: what they are; where they come from; why it is important that children and young people have their own specific set of rights; and how well society recognises the need to go on improving its response to the challenges presented by the UNCRC.

For ease of reference, the impacts are organised under the key policy strands of the OCC, which are drawn from the themes in the Convention's Articles: education, child sexual exploitation and abuse; poverty; youth justice; asylum and immigration; health; complaints; child rights impact assessments, and participation. Our actions and impacts in each themed area are shown chronologically. Also included, in the form of case studies, are the direct voices of children and young people, who inform all our work.

In setting out this report's structure, it is important to note two things. Firstly that children and young people do not experience their rights in such neat groupings. Rather, their rights are intersecting and cross cutting, impacting on all areas of their lives at once. Secondly, although our work is listed chronologically, the impacts do not happen in the same way. Often, the effects of an issue, and the fulfilment of rights, emerge over periods of years in a child's life, not just in the span of a single calendar year or the period covered by a business plan.

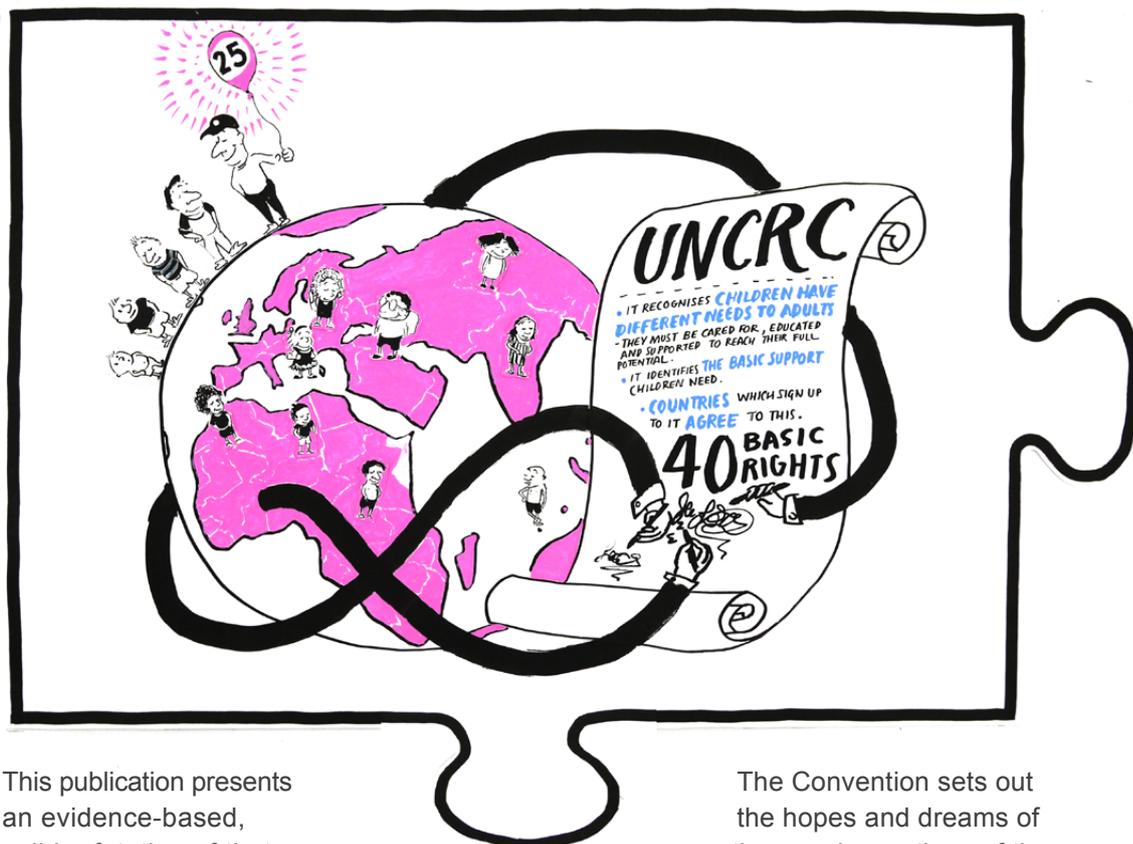
Although there is much to be proud of in this report, everybody at the OCC knows there is still much more to do. The Children's Commissioner's new and very particular responsibilities for children in or leaving care, receiving social services or living away from home, are less than a year old. We are still embedding how we will work with these especially vulnerable children and young people to make sure their voices are fully heard.

Moving forward, we will have to do our vital work in a climate where every generation's human rights are under pressure from numerous sides. We hope that, by showing how actively promoting and protecting children's rights under the UNCRC has positive impact on the lives of children and young people both as individuals and collectively, this report shows why human rights are so important in our society.

Children and young people as rights-holders and citizens

Children and young people are experts in living their own lives. Given appropriate support and the time, they are able to advise the adults around them. The concept of a child's personal agency remains deeply mistrusted by many commentators. Because of this, rights are all too often summarised as adult concepts and are not accepted as applying to children and young people unless adults mediate or grant them.

Too many adults are only really comfortable when children are quiet recipients of what adults choose to give them. Their rights are considered contingent on their behaving well and being deemed worthy of privileges rather than a set of automatic entitlements, given to them in human rights and other legislation and contained in internationally-binding treaties.



This publication presents an evidence-based, solid refutation of that unnecessarily negative and stereotypical narrative.

It presents what can happen when children's and young people's rights are seen as positives, and are then promoted, protected and celebrated.

About the UNCRC

Treaties abound in the modern world but are rarely adopted universally. The UNCRC has been. It came about after years of concern about the plight of millions of children who had been displaced by global conflict. A Declaration on the Rights of the Child was first made by the UN in 1959, but it took another thirty years of painstaking and delicate work to achieve the Convention as we know it now.

The Convention sets out the hopes and dreams of the member nations of the UN for all the world's children and young people. All but one nation on earth has signed and ratified it. Far fewer have incorporated it into their domestic legislation so that children's rights are a critical lens through which policymakers base decisions on.

Few nations seem able really to live by the promises made to each nation's children and young people that the Convention, properly interpreted, represents. That governments of all complexions across the world state what they are doing complies with the UNCRC simply proves that the assertion 'we comply' is all too easy to make. The OCC's work, captured in this report, points out how far short we too easily and too frequently fall, especially for our most vulnerable and marginalised children.

The Convention starts with a preamble that sets childhood in context and describes children as rights holders and members of the society in which they live – citizens now, not citizens in waiting. The preamble makes it clear that all children and young people aged up to eighteen are covered by the Convention. They need do nothing to hold all of the rights in the Convention except to be present on the soil of the State Party, whether or not they were born there. They do not earn their rights. They hold them.

The UNCRC contains an overarching set of General Principle rights. It covers children's right to develop and grow to fulfil their potential; to have their voices heard and taken seriously in all matters affecting them; to be parented and nurtured – if necessary by the State if their families cannot do it – and to have their best interests lie at the heart of everything

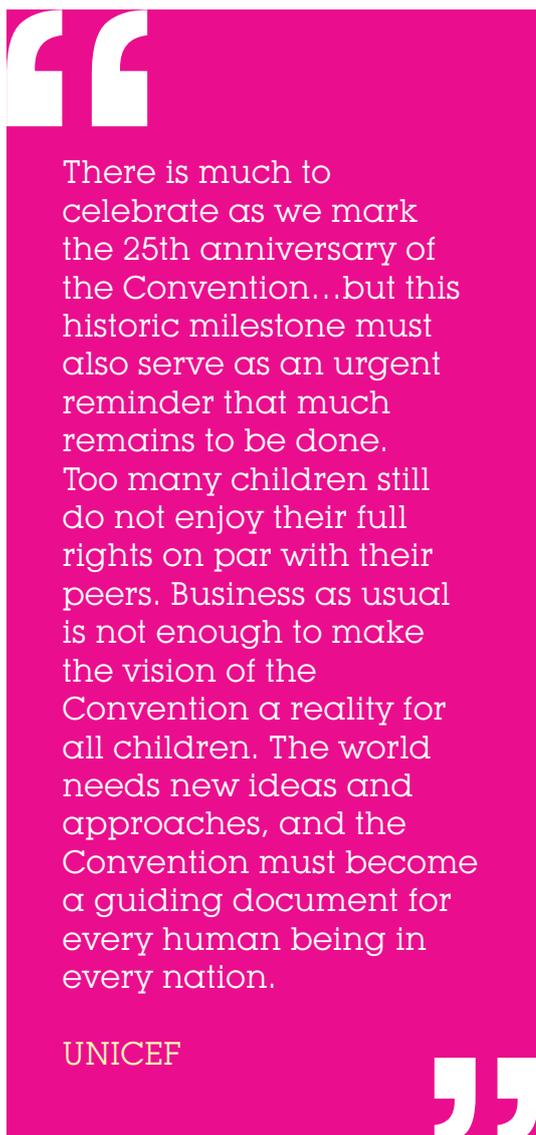
adult society does in both policy and practice with, for, to and about them.

The Convention's Articles and accompanying General Comments remind us that childhood is lived in the context of society in each State. Children do not live in an isolated bubble free from the influences of politics, the economy, social circumstances or modern technology. They are as interested as adults in what happens in the places where they live. They care about, and have opinions on, who governs their nation and their locality. They are interested in how easy or hard it is to access physical or mental health care, high quality education and training, transport they can afford, leisure and cultural activities to feed their minds, and employment when they are ready to work.

For the most part in England, our 12 million or so children live peaceable, soundly protected, well-educated and nurtured lives. Many of them take part in activities that pay their communities back for the investment being made in their young lives. We should be better than we are at helping them to blow their own trumpets, and at celebrating both their future potential and their existing greatness as a generation.

The UN makes it clear that adults are meant to actively promote, protect and ensure children's rights. The UK signed and ratified the Convention in 1991 and many of its laws (and supposedly therefore the practice that follows from them) already support, can be mapped against and should therefore set out to fulfil it.

Since 2010, the Government has promised on several occasions to view the making of all policy that affects children's lives through the lens of the Convention. This deceptively simple notion says that children have rights and matter to society. Unfortunately the very hard reality is that for some children, in some circumstances, those rights are consciously or unconsciously infringed, ignored, set aside, or at worst, actively and deliberately denied.



There is much to celebrate as we mark the 25th anniversary of the Convention...but this historic milestone must also serve as an urgent reminder that much remains to be done. Too many children still do not enjoy their full rights on par with their peers. Business as usual is not enough to make the vision of the Convention a reality for all children. The world needs new ideas and approaches, and the Convention must become a guiding document for every human being in every nation.

UNICEF



about their own and their families' lives.

The future of children's rights

As I prepare to step down after five busy, productive, sometimes challenging but always rewarding years, I have the temerity to offer one piece of advice to my successor, and to make one request

The work of the OCC seeks out those instances and those children and young people, bringing their struggles to public notice, and directly challenging policy and practice so that they can be addressed.

Why promoting and protecting children's rights under the UNCRC matters

It matters on the most fundamental bases of natural human and social justice that children and young people have rights; that they are recognised, recorded and accepted; and that as adults we ensure they are fulfilled. Children are vulnerable simply because they are children, and because almost always, it is adults who have the power to decide how well they fare. Children cannot vote for the governments whose policies so directly affect their lives.

How its children and young people fare is a crucial mark of a civilised society. Equally, it is the mark of rounded policymaking that the rights of our most vulnerable and defenceless citizens, our children and young people, are taken into account; and more importantly, that policies' impacts are judged against a rights framework like the UNCRC.

This collection records and reflects on the fact that the realities children and young people live with are far more complex than a matter of simply stating what should happen and then sitting back to see if it will. Unintended consequences occur in the lives of every citizen. But children's rights must be made more prominent and should be considered far more routinely in decisions which are made

of any incoming government which arrives in power shortly after the new Children's Commissioner comes into office.

To my successor, and those working alongside her: I simply urge that the OCC's steadfast and impactful work continues. You will pick up, and be the voice and champion of, the amazing work OCC has already begun – raising the nation's consciousness and conscience to actively to promote, protect and defend the rights of the child. Whatever you do, do it calmly, steadfastly and without fear or favour. Be backed by both clear and strong evidence and the unerringly honest, challenging voice of the child.

And to an incoming government: I urge that you go beyond the all too easy words that state you take seriously your duties and requirements under the Convention, and related international instruments, as well as what domestic law requires of you. Step up to a bolder, braver place. Accepting, promoting and protecting children's and young people's status as rights holders will mean sometimes you make different policy and promote different practice. If children living in England now and in the future are to be rights respecting adults in turn, you owe them bravery and commitment. The nation's future belongs to all our children and young people. They expect you will step up to the challenge.

Dr Maggie Atkinson

Children's Commissioner for England

2. How children and young people shape our work



Article 12 of the UNCRC says that every child has the right to have a say in all matters affecting them and to have their views taken seriously. It is fundamental not only to what the OCC chooses to work on but also to the way we do it.

The Children and Families Act 2014 requires us to involve children and young people in our work and our vision, mission and values state our commitment to doing so.

We engage and involve children and young people to ensure their views and experiences inform and influence what we do and what we say to help improve their lives. It is important to find ways to listen to, understand and learn from children and young people on all of the things that matter to them.

There are many different ways children and young people can be involved in influencing thinking – including initiating their own ideas and projects, shaping policy and services, supporting the commissioning of work, contributing to specific projects and evaluating and sharing ideas about their own experiences.

Amplify

The Children's Commissioner's advisory group is made up of young people aged 12 to 18 from across England.

They support the work of the Children's Commissioner by:

- leading projects with the support of OCC staff
- sharing views on our work and the issues that affect young people
- helping us to interview job applicants and some of the companies we commission work from
- contributing to the Government's thinking
- representing children and young people's views at important meetings.

In 2010 Amplify was called on by the Government to contribute to its review of the commercialisation of childhood by developing, promoting and reporting back on a survey of children's views. They produced a report called *Children, young people and the commercial world* which directly impacted government policy.

In 2011 Amplify contributed to the Department for Education (DfE) consultation on the National Curriculum and the Dunford Review on the Office of the Children's Commissioner. They were also involved in BBC Children in Need's *Speak Out, Listen Up* campaign and in judging the *Right Year for Children* logo. They made a significant contribution to the Office of the Children's Commissioner's work, planning and participating in Takeover Day 2011 and supporting the scoping work of our school exclusions inquiry. In recognition of their achievements, Amplify received the Diana Champion Volunteer Award.

In 2012 Amplify undertook their own project which explored children's hopes and dreams as part of our work on child poverty. They created and distributed their own survey and published a report and made a video, both called *What we say we need*, which has been used and cited by the Child Poverty Unit and the Chief Medical Officer in her Annual Report.

Amplify are currently researching children and young people's mental health and will publish a report in 2015.

Young Amplify

In 2013 we launched Young Amplify, whose members are aged seven to eleven, to make sure younger children were getting an equal say in what we do. They are drawn from across the country and contribute to specific strands of the Children's Commissioner's work, including:

- how best to engage with children under 11
- what issues are important to them and other children
- children's rights and the UNCRC.

They have contributed to policy work, including Child Rights Impact Assessments and what it means to be a boy or a girl as part of our gender project. The group has also started developing their own project on safeguarding, which they will work on in 2015.

Members of Young Amplify have been involved in developing UNCRC resources for the OCC's new website, Children's Commissioner's Takeover Day and recruitment and procurement.

Participation networks

We have developed a strong network of organisations that enable us to engage and involve children and young people from broad and diverse backgrounds, experiences and abilities. This ensures that we can listen and learn from children and young people who can best inform and influence our work including the more vulnerable and less heard.

Participation visits across England

As part of our new remit – where we must have a specific focus on children in or leaving care, receiving social services, or

living and learning away from home – we are visiting different areas of the country to meet with children in these settings to gain a better understanding of how well they are cared for; what matters to them; and where their rights are being upheld or infringed.

Young expert groups

We have developed Young Expert Groups to involve children and young people in our work at The Office of the Children's Commissioner.

The first two young expert groups will meet in 2014 –15 and will help us develop:

- Care Monitor – a survey aimed at children aged eight years and older who are in care, to find out how well they are being cared for and how things could be improved. The findings are shared with the Government, local authorities and organisations that work with children in care and care leavers.
- How we communicate with children and young people – this includes helping us to develop our new website and looking at the ways in which we can effectively share our work with children and young people.

Work experience

We will shortly be running work placements within the Office of the Children's Commissioner for young people. These aim to give them a first experience of the world of work, develop relevant learning for their future and allow them to make a meaningful contribution to what we do.

Children's Commissioner's Takeover Day

Children's Commissioner's Takeover Day is part of OCC's commitment to upholding Article 12 of the UNCRC. It gives children and young people the chance to be involved in decision-making. Children benefit from the

opportunity to experience the world of work and make their voices heard, while adults and organisations gain a fresh perspective on what they do.

Organisations across every sector are part of Children's Commissioner's Takeover Day and we receive extremely positive feedback from those that take part. Many high profile organisations have taken part in Takeover Day, including:

- MPs of all parties
- Government Departments
- the Rugby Football Union (RFU)
- Tour De France via Leeds Council
- British Red Cross
- Great Ormond Street Hospital
- NSPCC
- Mencap
- Kids in Museums plus their partner museums and galleries ranging from the V&A to the Museum of London.

We have worked hard to grow Takeover Day year-on-year, and it has become a major national event. Last year 40,000 young people and 1,500 organisations took part in the day. This year, Sweden and Bangladesh took part.

Takeover Day raises awareness of the importance of children and young people being involved in decision making, particularly through social media. We reached four million Twitter accounts. The Twitter hashtag #TakeoverDay trended and between 9am and 5pm on the day the hashtag was retweeted every four minutes.

Sir David Nicholson, former Chief Executive of NHS England said of Takeover Day: *"Children are a very important part of the healthcare system and it is important that we engage with them in planning services in the same way we do adults. Supporting Children's Commissioner's Takeover Day is one way we can show our commitment to giving this audience a voice."*

Children with care experience

The Children and Families Act 2014 says that the Children's Commissioner should have particular regard to children living away from home or receiving social care, as set

out in Part 6, Section 8A of the Children and Families Act 2014.

Although we have worked with children in care and care leavers for many years and their views have been embedded in many of our projects, since this became part of our remit, we have also been doing specific work with this vulnerable group.

Advice, assistance and representation

The Children and Families Act 2014 says the Children's Commissioner can provide advice, assistance and representation to children living away from home or receiving social care and those who work with them.

In the first five months since advice, assistance and representation became part of the Children's Commissioner's remit (moving from the Office of the Children's Rights Director) we dealt with 151 enquiries. The majority were from children and young people directly and 45 others were from adults, usually professionals, enquiring on their behalf. Almost a third of these enquiries resulted in the Children's Commissioner sending a referral for investigation to the relevant Director of Children's Services with a request to be informed of the outcome.

Care Monitor

We will use the results of the Care Monitor survey to inform a report telling the Government and other decision makers what life is like for children in care. This report will be available in spring 2015 and will, for the first time, include recommendations about improving opportunities for children in care and care leavers.

Case study

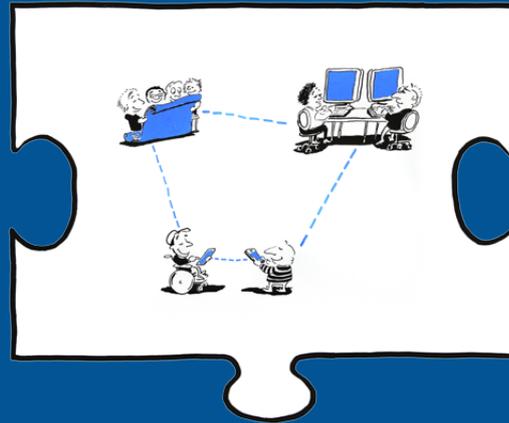
Nick, a former member of Amplify, wrote the foreword to our Annual Report in 2011–12, telling Parliament and the public all about our work.

My name's Nick Toner and I am a member of Amplify, the Children's Commissioner's Children and Young Person's Advisory Group.

There are 21 members of Amplify and all of us love it. We're right in the middle of the Children's Commissioner's work and are very fortunate to have the opportunity to get the voice of children and young people listened to and taken seriously by Maggie and her team. We attend meetings and share our views by email, but we also have a brand new and very exciting secure online community, which we helped to design.

The best thing about being a part of Amplify is the huge diversity of the young people involved. So many different backgrounds and experiences are represented which always leads to some inspiring debate on a huge variety of topics.

To give you a snapshot of what we've been up to, here are some of the things we've been doing: We've contributed to government consultations such as the review of the National Curriculum which looked at what children and young people think is important to learn; we've supported the recruitment of staff and organisations to work with us; we've presented to the Westminster Media Forum about our work on children, young people and the commercial world for Reg Bailey's Review; and represented the views of children and young people at



numerous meetings such as the National Participation Forum where we discussed which groups of children and young people may find it harder to have their voice listened to.

This year, the biggest piece of work we've been involved with is the Children's Commissioner's School Exclusions Inquiry. We were part of the scoping stage right at the start of the Inquiry all the way through to the launch of the final report in the House of Commons! On top of that, the Children's Commissioner's Takeover Day is a big part of our year. I spent the day at BBC Radio 1 working with their music team; working with a busy organisation was great preparation for working life and I would really recommend the day to every single young person across England. The 2012 date is Friday 23 November.

Amplify spend a lot of time each year looking at the Children's Commissioner's Business Plan and it is great to be able to share with you how things have gone in this Annual Report. All of us are looking forward to working with Maggie and her team on this year's projects so please keep up to date with us throughout the year to see what we're up to. I hope you enjoy reading the report.

3. Promoting and protecting children's rights: The impact of the Office of the Children's Commissioner

Education

The UNCRC says every child has the right to an education. Primary education must be free. Secondary education must be available for every child and discipline in schools must respect children's dignity. Richer countries must help poorer countries to achieve this.

Our work on education has focused on upholding children and young people's right to an education, with a specific emphasis on vulnerable and marginalised groups for whom this might otherwise be denied.

We led a ground-breaking inquiry into illegal school exclusions, using the Children's Commissioner's powers under the Children Act 2004. This uncovered challenging and compelling evidence on the scale and nature of illegal exclusions and resulted in a nationwide change in practice by schools, policymakers and the Government. Following the inquiry, we turned our attention to children's rights in education more generally, with the aim of developing a blueprint for a rights-based education system which fully promotes and protects children's rights.

UNCRC Articles

2, 3, 4, 5, 12, 14, 16, 23, 28, 29, 31, 34, 42

What we did

2010–11

We ensured children and young people's voices were heard in education debates by collecting strong and robust evidence on their views. Research with the National Foundation for Educational Research (NFER) collected the views of almost 2,000 young people which informed and influenced a number of governmental and parliamentary enquiries on education policy including the consultation on the introduction of a pupil premium, and the Education Select Committee's inquiry into behaviour and discipline in the classroom.

We brought children and young people's views and experiences to the attention of policy makers through our work on discipline, behaviour and the classroom experience in *The classroom of today: Seat of learning or educational warzone* which featured young people's commentary in response to articles written by education commentators and practitioners.

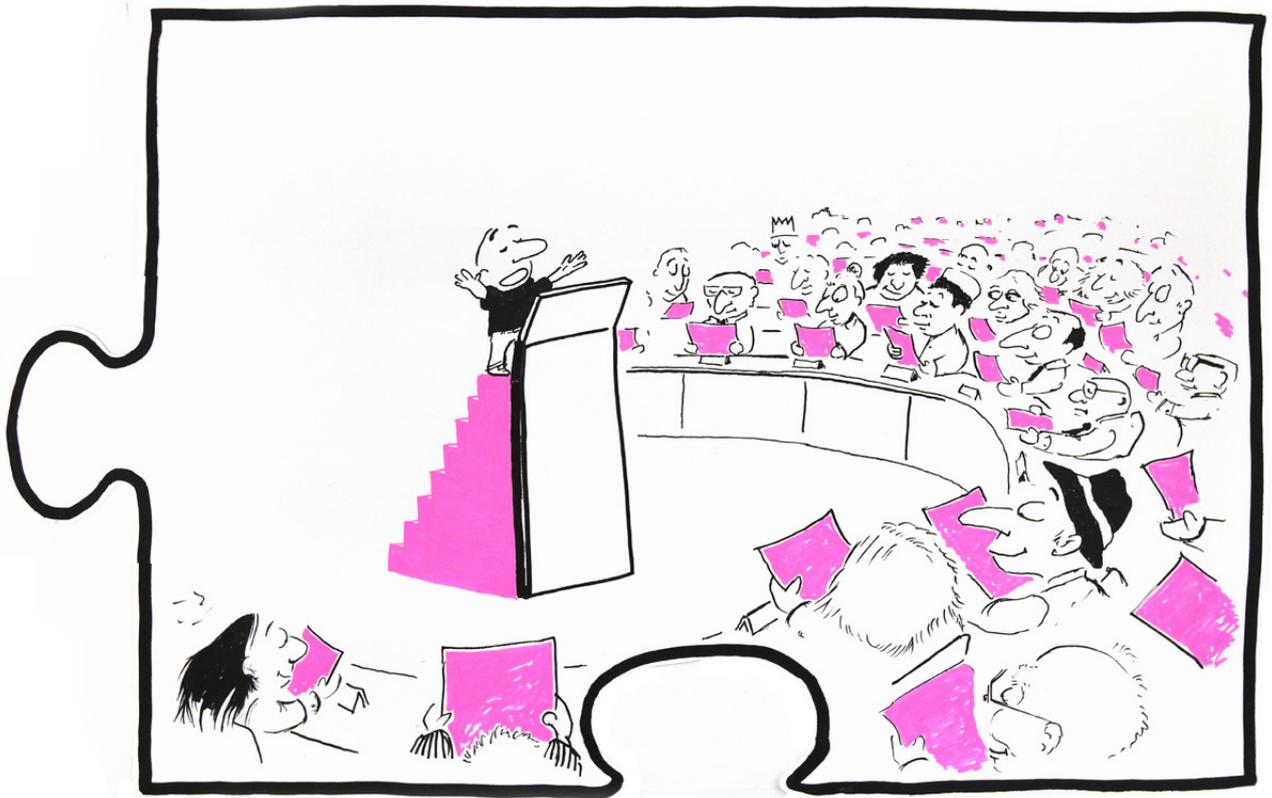
We influenced policy on exclusions and SEN statementing by publishing children's views of the system and their ability to participate in decision-making. We also developed best practice guidelines and case studies for participation in schools which were disseminated to teachers across the country.

2011–12

Our inquiry broke new ground in uncovering clear evidence of illegal exclusions. Children and young people were at the heart of shaping and informing the inquiry. The inquiry was aided by an advisory group coordinated by Catch 22 which was made up of young people who had been or were at risk of being excluded. Evidence was gathered directly from young people through the fieldwork interviews and visits as well as through an online call for evidence. This way of working placed children and young people's voices and experiences at the heart of the inquiry and helped shape the Commissioner's recommendations. We published the first inquiry report, *They never give up on you*, which made formal recommendations to the Department for Education (DfE) and Ofsted.

2012–13

We continued our exclusions inquiry, which in its second year highlighted disproportionate exclusions. In the second year we published two inquiry reports,



They go the extra mile, which looked at what could be done to reduce inequalities in school exclusions and *Always someone else's problem*, which examined the prevalence of illegality when schools exclude pupils in England.

We also contributed to government policy by responding to consultations on proposed amendments to individual pupil information prescribed person regulations; reforming Key Stage 4 qualifications; the Personal, Social, Health, and Education (PHSE) curriculum; and the reform of the national curriculum as a whole.

2013–15

We began a new two year project to identify what would make an excellent rights-based education system and assess how England's education system measures against this.

We also looked for evidence about unlawful decisions in school admissions processes, and published *It might be better if you looked elsewhere*, to coincide with the first ever National Offers Day for primary school places. It found limited evidence of practices by schools which may have the effect of dissuading certain parents from applying for a place. It recommended that further detailed research be conducted by DfE to determine the full extent of this issue, and that all schools should review their admissions processes to ensure that nothing they do either directly or indirectly discriminates against specific groups.

Our impact

They never give up on you made formal recommendations to the DfE and Ofsted. Although updated school exclusions guidance was published by the DfE slightly before the OCC's report in order

to comply with Parliamentary timetabling requirements, it was constructed by officials who had been in detailed and lengthy discussions with the OCC on the likely findings and recommendations in our report. The enhanced provisions in that revised guidance reflected our recommendations concerning the importance of the excluded student's voice in any process and around guidance regarding the exclusion of pupils with SEN statements.

The DfE's formal response to our recommendations agreed and restated that whilst headteachers and governors need to have the ultimate sanction of exclusion as part of their range of sanctions, all exclusions must comply with the law. As part of their response, the DfE also clarified the law regarding who is responsible for identifying and remedying unlawful exclusions. Our guidance was used by two major national Academy chains as a tool for further improvement and senior local government staff used the findings in training for school staff and governors.

Future revisions of Ofsted guidance to inspectors was informed by our recommendations regarding exclusions. We also received insights from schools, academy chains, teacher unions, initial and continuing teacher development providers and children and young people themselves on the positive difference the findings and recommendations have made.

A number of providers of initial teacher training, for example, the Open University, London Metropolitan University and the Institute of Education use our exclusions reports in training teachers.

In their formal response to our inquiry the DfE agreed to investigate giving schools easier access to resources on how to teach children with a range of special educational needs. They also clarified the processes for parents to complain about illegal exclusions

after we identified a lack of clarity around complaints processes as being one of the causes of unlawful exclusions.

Ofsted committed to grading as inadequate, schools found to be excluding pupils illegally, and have followed through on this pledge.

Key publications

Children and young people's views of education policy

The classroom of today: Seat of learning or educational warzone?

They never give up on you

They go the extra mile

Always someone else's problem

It might be best if you looked elsewhere

Case study

Below is a collection of evidence taken from *It might be best if you looked elsewhere*, looking at ways in which children are excluded from school using the admissions process. This evidence was released on National Offers Day.

“

At a school we visited I was told that I would have to see the SENCO and was taken to an office with two people. I explained (my daughter's special) needs and how she works currently and I was told 'No, she wouldn't be accepted at that school'. That was the word 'No'. They just said they wouldn't be able to support (my daughter) and it was that blunt, 'No'. The school take the kids that are expected to get to university, that's their goal but at the expense of what children? I do believe there are schools that are selecting children to get the right figures and numbers

Parent

”

“

When I went for the first visit to go and have a look at it, the lady made it clear as day and (my son) just wasn't going there. It was very unfair for them just to look at him in that one instance; he'd never been in that situation before. She took one look at us and she made that decision, 'No he's not coming to this school, he wouldn't be able to cope, he would struggle. It might be best if he didn't come here. He'd be better off at a special needs school rather than here.'

Parent

”

“

I explained (my daughter's) learning and the situation and that she has memory lapse, she has ADHD, she can't sit still and that's why she has one-to-one. I asked the school if they could take her and they just said 'Ooh, ahh, we're not sure how she will fit in, her learning is not really good enough for her to be accepted into the school'. I asked if they actually meant that (my daughter) couldn't go to this school and they said, 'She wouldn't be offered a place because we can't meet her needs'. I thought, 'You made that decision based on just a ten-minute conversation.'

Parent

”

Promoting and protecting children's rights: The impact of the Office of the Children's Commissioner

Child sexual exploitation and abuse

The UNCRC says that Governments must protect children from sexual abuse and exploitation and those children who have been abused must receive special support to help them recover their health, dignity and self-respect.

Our work in this area has been some of our most impactful and has changed the child protection landscape irrevocably. We undertook a ground-breaking Inquiry using the Children's Commissioner's statutory powers to gather and publish the most accurate evidence on the prevalence and nature of child sexual exploitation in groups and gangs in England, and also the ways in which it should be addressed. We used the data and evidence we collected to propose lasting changes and develop a new framework for child protection.

UNCRC Articles:

3, 12, 19, 34, 35, 37, 39

What we did

2010–11

We commissioned an international literature review from the University of Bedfordshire into group-associated violence against women and girls which highlighted gaps, inconsistencies and the need for a strong evidence base. The Deputy Commissioner launched Race on The Agenda's work on Female Voice in violence and contributed the foreword. We also led awareness-raising around sexual exploitation as part of the London Serious Violence Board.

2011–12

Following on from work by Race on The Agenda, the Child Exploitation and Online Protection Centre (CEOP), and the University of Bedfordshire, and in response to a number of high profile sexual exploitation cases, we launched a two year inquiry into child sexual

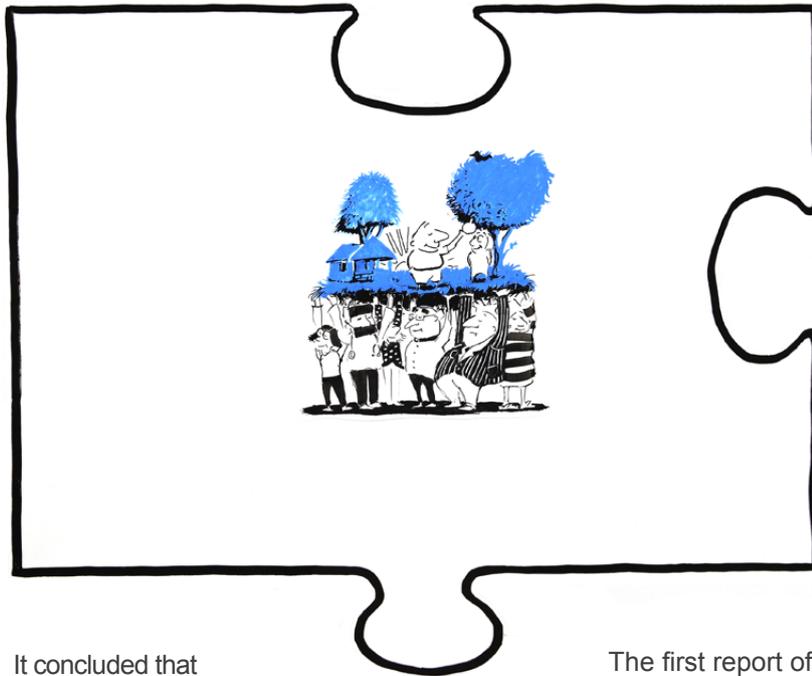
exploitation in gangs and groups (CSEGG). We used our statutory powers to gather evidence that no other organisation could have access to. The first year of the inquiry focused on identifying prevalence as well as profiling victims and perpetrators. In July 2012, at the request of the Secretary of State for Education, we published an accelerated report on our emerging findings in relation to children in care. It identified that the sexual exploitation of children was widespread, and that although the majority of children affected lived in their family homes, a disproportionate number of the victims were living in care homes.

In November 2012 the interim inquiry report identified 2,409 children and young people who were confirmed victims of child sexual exploitation in gangs or groups and found that 16,500 children in England displayed at least three of the indicators for being at high risk of exploitation in the 14 months from August 2010 to October 2011. The report also included warning signs of children at risk, including: being missing from home, care or school; having repeated sexually transmitted infections; patterns of offending; misuse of drugs or alcohol; self-harm and other physical injuries.

Recommendations were made to the Government, police, NHS and local authorities. At the same time we published interim findings of research by the University of Bedfordshire on the impact on children of living in gang-involved neighbourhoods.

2013

In response to emerging evidence from the inquiry, we published a Rapid Evidence Assessment on the effect that access and exposure to pornography has on children and young people, *Porn...it's basically everywhere*.



2014

We launched a two year inquiry into child sexual abuse in the family environment (CSAFE). This was in response to evidence in the CSEGG inquiry, which found that many victims of child sexual exploitation had previously been sexually abused in the family home and that this earlier abuse was neither identified nor addressed.

It concluded that there are still many unanswered questions about the effect exposure to pornography has on children and made a number of recommendations to the Government and other agencies.

In November 2013, we published the final report of the inquiry which presented a child-centred framework for professionals who commission, plan or provide services to tackle child sexual exploitation based on our extensive body of evidence.

Alongside this we published research on how young people in England understand sexual consent and a study of gang-associated sexual violence towards, and exploitation of, young people.

The final inquiry report was launched in Parliament, where some of the young people who took part in the inquiry talked about their experiences with Parliamentarians and practitioners.

The first report of this inquiry was a Rapid Evidence Assessment which found alarming gaps in knowledge about prevalence, effects, and on how best to prevent child sexual abuse. The inquiry will investigate children's experiences of this type of sexual abuse and make recommendations on how services should respond. It will examine evidence of what works well to prevent it from occurring, as well as how children who have experienced it should be helped.

We also began piloting the national framework for child protection developed in the final CSEGG report in 12 local authorities, with a view to launching it nationwide if it proves successful.

Our impact

Our CSEGG inquiry has had profound and far reaching impacts and has been vital in raising national awareness of child sexual exploitation. It has significantly changed the culture and practice of the identification and protection of children by the police, local authorities, the Crown Prosecution Service, health agencies, voluntary sector and youth offending teams.

Our accelerated CSEGG report into improving the protection of children in residential care made 11 recommendations to the Government including legislative and regulatory changes. All were accepted and ten have been fully implemented – significantly improving the ways in which these vulnerable children are identified and protected.

Using our unique statutory powers, the interim CSEGG report was, for the first time, able to estimate the numbers of children and young people, affected by and at risk of, sexual exploitation. The risk factors identified in the report were circulated to all Local Child Safeguarding Boards. The College of Policing and Association of Chief Police Officers jointly developed and rolled out an action plan to tackle child sexual exploitation across England and Wales as a result of our inquiry.

Partly in response to our compelling evidence into the impact on children of viewing adult pornography the Government introduced a range of measures to prevent children and young people accessing pornography online including network-level blocks. The Personal, Social, Health and Economic Forum has distributed our tools for improving sex education in schools.

The final inquiry report presented a new national, evidence-based framework for child protection which focuses on seeing and hearing child victims. After piloting it is hoped that this will form part of a national approach. It has the potential to improve not only the protection of children and young people from sexual exploitation but also from other forms of harm. Applying it will ensure that children who are suffering are listened to and cannot be ignored.

The inquiry also significantly influenced the Crown Prosecution Service in its development of new guidelines on protecting vulnerable witnesses which make clear children are not responsible for their abuse.

As a result of the CSEGG inquiry, the Government has committed to reviewing and revising the 2009 Working Together guidelines on child sexual exploitation including reviewing the current definition of child sexual exploitation.

The CSAFE inquiry will be conducted in the same spirit as CSEGG and has already generated significant interest. We hope that our work in this area will make notable improvements in the response to child exploitation and abuse and heighten levels of awareness for victims, professionals and members of the general public.

Key publications

Accelerated report on the emerging findings of the OCC's Inquiry into Child Sexual Exploitation in Gangs and Groups

I thought I was the only one. The only one in the world: Child Sexual Exploitation Inquiry interim report

Research into gang-associated sexual exploitation and sexual violence: Interim findings

Basically... Porn is everywhere: A Rapid Evidence Assessment of the effects that access and exposure to pornography have on children and young people

Sex without consent, I suppose that is rape: How young people in England understand sexual consent

If only someone had listened: Office of the Children's Commissioner's Inquiry into Child Sexual Exploitation in Gangs and Groups Final Report

It's wrong... but you get used to it: A qualitative study of gang-associated sexual violence towards, and exploitation of, young people in England

It's a lonely journey: A Rapid Evidence Assessment on child sexual abuse in the family environment

Case study

Over 800 children and young people contributed to our CSEGG Inquiry – many bravely told us about their experiences despite having been subjected to unimaginable abuse. Here, we include the story of one such victim – and there are hundreds like her. This is ‘Tamzin’s’ story in her own words, written for the inquiry.

Dear devil,

Insecurity was the problem...

Girl open your eyes overlook his handsome features all the money he makes overlook the streets, the drugs, the scandalous lifestyle.

Overcome the charming behaviour, the soft lips, the sweet scent lingering on his neck, overlook the baggy jeans, fresh trainers, the scandalous lifestyle

In the beginning I loved the life I led I wish I overlooked all the superficial things I by passed his huge arms da way he looked at me

T why didn't you listen to your head?

And not your heart why didn't you be smart?

You ignored all the warnings...

I thought I loved him I just wasn't ready...

Yes you was my everything I dedicated my all to you, at the beginning you were my morning noon and night.

Why did you change?

Why did you become obsessive?

Why did you hurt me and treat me like a trophy something that belonged to you "your property" was I your girl or your belonging an item to misuse and mistreat

I tried to stay strong but I was so damn weak the boiling showers didn't help the pain is still there it always will.

You made me feel worthless ugly like damaged goods I was strong on the outside but oh so very weak on the inside...

What don't kill you only makes you stronger you may have taken something I can never get back but I can honestly say I am so strong today not you or anybody else will ever get in to my mind again, my wounds will never fully heal but I am stronger than ever I can talk about my experiences with my head held high because I am far from damaged goods. I am a fighter a young girl with experience and a wonderful life ahead of me and you will never ruin another life again.

Life is beautiful xxx

Promoting and protecting children's rights: The impact of the Office of the Children's Commissioner

Safeguarding and child protection

Article 19 of the UNCRC says governments must do all they can to ensure that children are protected from all forms of violence, abuse, neglect and bad treatment.

The Office of the Children's Commissioner has made a strong impact in this area, and much of our work around safeguarding is also intrinsically linked to our work around child sexual exploitation and abuse. The aim throughout has been to enable children and young people's views on needs, protection and help to be heard and to have an impact on policy and practice.

UNCRC Articles:

12, 18, 19, 34, 39

What we did

2009–10

We spoke to more than 50 children and young people about the impact of allowing the media into family courts. The vast majority felt that reporters should not be allowed in because hearings covered embarrassing issues. Worryingly, many said there were issues they would not disclose to social workers if they knew the media may be present court. Despite publishing our report of children's views during March, the then-government signalled their intention to open the courts to the media when the Children, Schools and Families Bill received Royal Assent. The 'wash-up' debate in the House of Lords criticised the fact that the matter had gone through the Commons despite our report.

2010–11

We produced a major study on parenting and family life alongside Demos which talked about support available for parents and was launched by the Deputy Prime Minister. *Where is my advocate: A scoping study of advocacy provision across England*,

showed the barriers families faced in getting help from social services and has been used to inform social work training.

We made a significant contribution to the Munro Review on Child Protection, particularly around highlighting the child's perspective. Our evidence from children and young people was immensely powerful and was included in the reports, helping to shape the future of child protection. OCC's Principal Policy Advisor for Safeguarding also made a significant contribution to the Review. We also published a study of children's views on child protection called *Don't make assumptions*.

2011–12

We worked on the impact of parental substance misuse, looking at how adult and children's services could work together so that children's needs are properly acknowledged. We published a booklet to help adults talk to children about it called, *You're not alone*, which was produced by children themselves.

We developed a project looking at the role of schools in child protection and their ability to work with children's services and examined older children's and young people's access to child protection services, guided by the outcomes of a cross-sector multi-agency roundtable event which was hosted by the OCC in January 2011.

OCC responded to the Family Justice Review and brought a greater understanding of children's experiences and provided opportunities for children and young people to make suggestions for improvements in the family justice system. We commissioned a Voice of the Child sub-group of the Family Justice Council to gather children's and young people's views.

2012–13

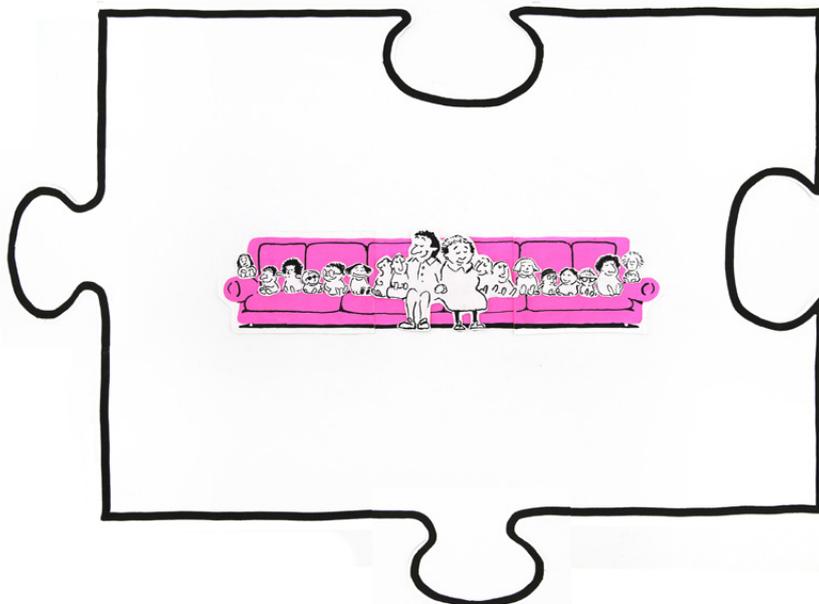
In September 2012 we published *Silent Voices: Supporting children and young people affected by parental alcohol misuse*, based on a Rapid Evidence Assessment of the needs and experiences of children and young people which made recommendations for policy makers and those commissioning and providing services.

We commissioned the NSPCC and Youthworks to identify good practice in primary schools to provide the basis for practical guidelines and information for teachers, school leaders and children's services professionals and published *You have someone to trust: Outstanding safeguarding practice in primary schools*.

2013–14

Building on the significant impact of our safeguarding work of primary schools, we looked at the same issue in secondary schools. The University of Sussex was commissioned to research this and produced a report featuring safeguarding best practice, *Feeling safe, keeping safe*.

We completed a two year programme of research led by the University of East Anglia with young researchers that aimed at understanding why children may not tell about abuse and improving support for them to get help. We published a report, *"It takes a lot to build Trust": Recognition and telling - Earlier routes to help for children and young people* which included a framework to help



professionals and others pick up on abuse and respond helpfully.

We also responded to a number of consultations and inquiries in this area, including those on residential care, permanence, inspection and the Education Select Committee's inquiry in to residential care and 16+ accommodation, enabling children and young people to contribute their views to these issues.

2014–15

We published a third study on parental alcohol misuse, *I think you need someone to show you what help you need*, which looked at ways of estimating the number of children affected by parental alcohol misuse, the help available to them and what good practice looked like in three areas of the country.

Our impact

Our study on parenting was used by the Government's Families Taskforce to shape policy around support for parents. Our work on the Munro Review informed and shaped the final recommendations which were used

to make significant improvements to the child protection system.

The views of children and young people were included in the Family Justice Review's report executive summary and recommendations and were influential in determining the Review's key messages. This confirmed the central importance of the child's interests, experiences and views to the family justice system.

The *Silent voices* report influenced local authority and clinical community groups planning for services.

In March 2014 the DfE issued our safeguarding guidance to schools, referring them as best practice advice, rather than produce their own materials.

Our *Recognition and Telling* framework is being promoted widely and is also being drawn upon to support the development of other aspects of our work such as the CSEGG and CSAFE inquiries. We have made a number of presentations about our Recognition and Telling work, including at the National College of Social Work's annual conference.

In 2014 OCC's Principal Policy Adviser for Safeguarding was asked to contribute a chapter to a book focusing on child protection practice after the Munro report as a result of her input.

Key publications

The views of children and young people regarding media access to family courts

Family perspectives on safeguarding and on relationships with children's services

Where is my advocate: A scoping study of advocacy provision across England Family perspectives on safeguarding and on relationships with children's services

The Home Front (compiled by Demos and funded by the Children's Commissioner)

Don't make assumptions: Children and young people's views of the child protection system and messages for change

You're not on your own

It takes a lot to build trust: Recognition and Telling – Developing earlier routes to help for children and young people

You have someone to trust: Outstanding safeguarding practice in primary schools

Feeling safe, keeping safe: Good practice in safeguarding and child protection in secondary schools

Silent Voices: Supporting children and young people affected by parental alcohol misuse

I think you need to show someone what help there is: Understanding parental alcohol misuse at a local level

Clifton, J. (2014) 'The child's voice in the child protection system' in Blyth, M. and Solomon, E. (eds.) (2014) *Effective safeguarding for children and young people: What next after Munro?* London: Policy Press

Case study

The following good practice principles are taken from *Feeling Safe, Keeping Safe*

Good Practice Principle 1

Child protection in schools is given strategic priority by leaders in schools and local authorities. At a time of change and financial pressure for education and other children's services this both protects existing good practice and drives forward improvements in this key area of practice. This will include schools examining their approaches to child protection as part of internal self-assessment processes.

Good Practice Principle 2

Safeguarding is a shared responsibility for all those working in the school and all staff understand how their role contributes to the overall work of the school in supporting and protecting its students.

Good Practice Principle 3

Strong communication networks between schools and local authorities assist with recognising risk and determining thresholds and enable empathic consideration of possible underlying meanings of problematic behaviour by young people. Cross-area and cross-school approaches to child protection, such as a centralised advisory service and dedicated safeguarding roles, support the effective use of resources in a time of economic constraint.

Good Practice Principle 4

Schools and local authorities have established systems for regular

on-going training and professional development of all staff who have contact with young people, as well as systems that ensure accessible consultation and support for any staff in schools who may be in a position to identify child protection concerns.

Good Practice Principle 5

Schools systems enable staff to get to know their students well, through regular formal and informal contact within the school and assist staff in identifying child protection needs.

Good Practice Principle 6

Attending to students' welfare in the broadest sense goes alongside explicit attention to specific child protection needs. As a result, students are aware of potential risks, and have the language to voice concerns, at a stage in life when they are likely to encounter new potential risks, but are also developing increasing agency and responsibility.

Good Practice Principle 7

A student-centred and participatory ethos is key to ensuring student welfare and wellbeing. The benefits of genuinely participatory approaches, as reported by both adults and young people, depend on the strategic prioritisation of child-centred working, and dedicated investment of time, training and resources.

Promoting and protecting children's rights: The impact of the Office of the Children's Commissioner

Poverty

The UNCRC says every child has the right to life and that governments must do all they can to make sure that children survive and develop to their full potential. It also says that governments must provide extra money for children and families in need and that every child has the right to a standard of living that is good enough to meet their physical, social and mental needs.

Since its establishment, the Office of the Children's Commissioner has been unequivocal: child poverty is a significant and serious blight on children and young people's lives and a denial of their rights. We hold the view that tackling and eradicating child poverty must be a policy and practice priority, basing our position on the views and experiences of children and young people.

UNCRC Articles:

6, 26, 27

What we did

2010–11

We published a report called *Trying to get by: Consulting with children and young people on poverty* in partnership with the NFER which presented children's experiences of living in poverty in their own words. These views were used to inform subsequent responses to government consultations regarding child poverty reduction.

We made a submission to the Independent Review on Poverty and Life Chances where we called for the Government to adopt rights-based approaches to reducing child poverty. We also said that all children young people and their families should have access to early intervention and child protection services which are underpinned by accessible universal services.

2011–12

We published a Child Rights Impact Assessment (CRIA) on the Welfare Reform Bill (2011) stating our concerns about the negative impact of the proposals in the Bill on hundreds of thousands of children.

2012–13

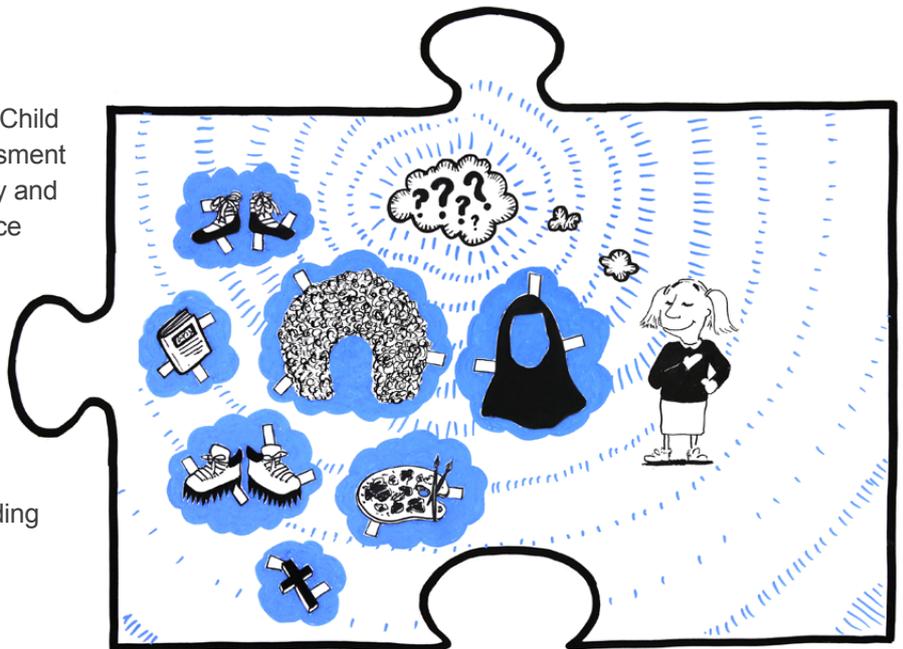
In summer 2012, the Government's Child Poverty Unit asked us to lead the participation of children and young people in a review of the measurement of child poverty. We published our response to the Government's consultation *Measuring child poverty: A consultation on better measures of child poverty* based on three participation workshops with children and young people. Amplify also contributed to this work with their own project on children's hopes and dreams called *What we say we need*.

We also published *We want people to see things our way*, a rights-based analysis of disabled children's experiences of living with low income. This work uncovered the role income plays in enabling children and young people to access the rights outlined in the UNCRC, particularly if they need extra support.

2013–14

Children and young people's assessment of what they need was central to our work. We continued to promote *What we say we need* and *We want to help people see things our way*. A key finding in both reports was the relationship between having enough money and the ability to access local education, health, housing and transport services. Through both reports we made a number of recommendations to the Government and others to help improve the lives of children in low income families.

We also published a Child Rights Impact Assessment (CRIA) of fiscal policy and budget decisions since 2010. This piece of work looked at the cumulative impact of reforms and reductions in spending on public services from 2010 onwards, including those which will take effect in 2015.



2014–15

We published *A Review of policies and interventions for low-income families with young children* which will feed in to future planned work on how local services for young children and families living in poverty are meeting the needs of young children (aged 0–5) living in low income households.

Our impact

Trying to get by: Consulting with children and young people on poverty significantly influenced the Coalition Government's first child poverty strategy. It was used by the Child Poverty Unit to engage with children and young people on their experiences of living in deprived areas. The Children's Commissioner talked about the findings of this report the National Child Poverty Conference in March 2011.

Our work on the Welfare Reform Bill successfully highlighted our concerns to Government, Parliament and others about the potential impact of the Bill on children's rights. Our findings were also quoted extensively in House of Lords' debates. Our work recommended that Government must retain its existing measures and also

adopt a child rights model. We highlighted the following priorities for action:

- making sure children don't lose their hope and optimism
- understanding being listened to and valued is as important as material well-being
- stating and standing by priorities for positive change
- making sure additional support is provided to groups of children and families who are particularly vulnerable or marginalised.

Government officials attended the workshops we ran, so that they could hear first-hand the experiences of children and young people living in poverty.

Young people met with the Social Mobility and Poverty Commission, an independent body, and the Child Poverty Unit to discuss the findings of *What we say we need*. Officials made it clear to our young researchers that they were discussing our work and its findings at the highest levels in government.

We want to help people see things our way was developed by a group of young disabled researchers with experience of living with low incomes, trained by and working with University of Central Lancashire (UCLAN). They also made film version of the report which has been viewed over 1,000 times on YouTube. They presented their research to a group of MPs and commissioners and providers of a wide range of services in North West England.

This work attracted substantial media coverage and has been extensively used and quoted in Parliamentary debates and policy discussions in both Houses. The Social Mobility and Poverty Commission also referenced this work.

Key publications

Trying to get by: Consulting with children and young people on poverty

What we say we need

We want to help people see things our way

A Review of policies and interventions for low-income families with young children

Case study

Below are some of the things children and young people told us about what it is like to live in poverty taken from *Trying to get by*. These were presented to the Government as part of our work around the child poverty strategy.

Young people's views on the stigma of being poor

“

When I was at secondary school, I think that I was able to get Free School Meals or something, but I didn't want to have that status, I didn't want to be the one, 'oh, her family can't afford to whatever'. So I told my mum to stop it and I paid for my own meals and obviously it got tougher for my mum.

Girl, Newham

”

“

I tried to pay for one of my friends once and she was really offended. She felt like it was charity and she felt really embarrassed about it.

Girl,
Liverpool

”

“

I think that there is support for low-income families, but maybe because of the social pressures people are too embarrassed to actually go talk to these people, because they think that they are going to have a negative thought about them.

Girl, Selby

”

Young people's views on the cycle of poverty

“

It's only going to be the rich people that are going to be able to afford to go to university and get the better jobs, and the people that are in poverty are still going to be in poverty. There's going to be a wider gap between people in poverty and the rich people – there won't really be much in between, there's going to be huge divisions in society.

Boy, Birmingham

”

“

Young people are actually the worst hit and they are going to end up stuck in a cycle of poverty because they can't get the education they need, they can't get the jobs they need, and it is just going to end up being a place where it is just going to continue with generations of poverty because they just can't escape from it, and unless something is done to stop that, because this big society idea isn't going to work, the people who are poor aren't going to be looked after by other people, whereas the millionaires are still going to have their nice lives. Young people in poverty are the worst hit unless something changes then it is going to be stuck like this for generations.

Girl, Selby

”

Young people's views on the links between poverty and bullying

“

Kids will pick on you at school – it's unbelievable – if you don't have the same lunch bag as them, or you haven't got a new jacket, or a new bag, they'll pick on you and say 'That looks like crap! And your hair looks like – you look poor. Just something, they'll pick on you for the littlest thing.

Girl, Islington

”

“

If you're in poverty, or you don't have much money and you're just trying to get by, you suffer mentally, because you get bullied, unless you're strong enough to shrug it off.

Boy, Birmingham

”

“

Kids who are poor are more likely to get bullied. You get picked on if you don't have the right shoes on. You'd get picked on because of the way you look if you're poor.

Girl, Liverpool

”

Promoting and protecting children's rights: The impact of the Office of the Children's Commissioner

Youth justice

The UNCRC says that no child should be tortured or suffer other cruel inhuman or degrading treatment or punishment. A child should only ever be arrested or put in prison as a last resort and for the shortest possible time. Children must not be put in prison with adults and they must be able to keep in contact with their family. It also says that a child accused of breaking the law must be treated with dignity and respect. They have the right to help from a lawyer and a fair trial that takes account of their age or situation and the child's privacy must be respected at all times.

Under the Children Act 2004 (as amended by the Children and Families Act 2014) the Children's Commissioner must speak on youth justice matters for children in England and Wales. The Commissioner has unique statutory powers which grant the right of entry across all parts of the children's secure estate. Throughout the terms of both Children's Commissioners, this right has been exercised regularly to make unannounced visits to check on the welfare of children deprived of their liberty in Young Offenders Institutions (YOIs), Secure Training Centres (STCs) and Secure Children's Homes (SCHs). This gives a unique perspective as no other body visits or inspects across all three types of secure provision and our feedback is taken directly from what children and young people tell us.

Since 2009, the OCC has been a member of the National Preventive Mechanism (NPM), designated by the Secretary of State for Justice under the Optional Protocol to the UN Convention against Torture. The Deputy Children's Commissioner has chaired the children and young people sub-group of the NPM since 2013. She is a member of the

Ministerial Board on Deaths in Custody and the Family Justice Council. OCC also has observer status on the Standing Committee for Youth Justice.

Our youth justice work aims to ensure children in the criminal justice system, including those in custody whether sentenced or on remand, are provided with the appropriate support, advice and assistance to enable them to make positive choices and fulfil their potential.

UNCRC Articles:

37, 39 and 40

What we did

2010–11

We published two reports on research carried out with children and young people by User Voice: one on the views of children and young people on restraint in custody; the other, for OCC and the Youth Justice Board, on the views of children and young people on safeguarding in the secure estate.

Alongside the other UK Commissioners' we submitted a joint response to the Government's *Policing in the 21st century* consultation.

We addressed many youth justice professionals including the National Association for Youth Justice conference, the Howard League AGM and the YJB and Local Government Association Joint Resettlement Conference on children's rights, voice and best interests in the youth justice system.

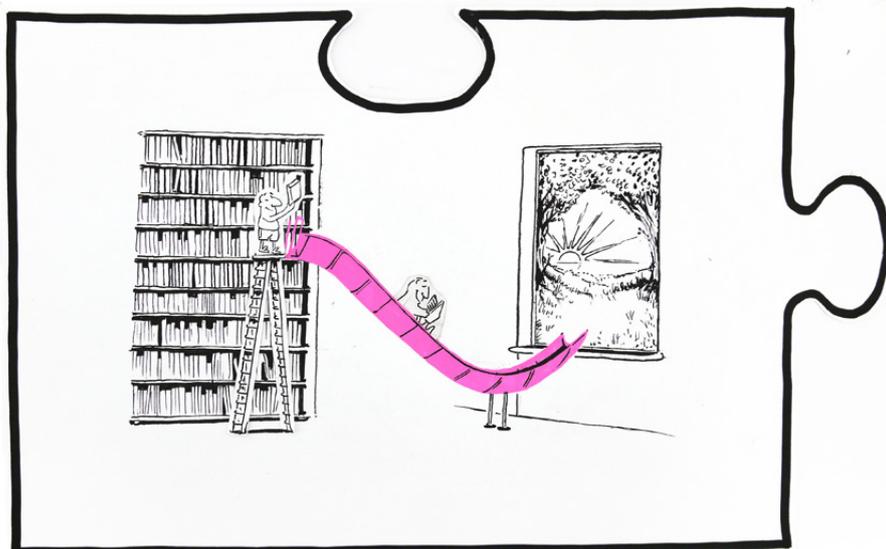
2011–12

We led an investigation into the mental health needs of children in custody and the quality and range of services they need and launched a report, *I think I Must Have Been*

Born Bad: Emotional wellbeing and mental health of children and young people in the youth justice system, in Parliament in June 2011. The investigation was led by Deputy Children's Commissioner and supported by a group of professionals with expertise in youth justice and mental health. It heard first-hand the views of governors, directors, frontline staff and the powerful testimonies of 49 children aged 13 to 17 on the effectiveness of mental health provision across the youth justice system during 19 visits in 2010–11. It found a lack of consistency and wide variation in the type, level and quality of measures put in place to support the emotional wellbeing and good mental health of children in the youth justice system and specifically, in the children and young people's secure estate. This was despite the fact that the majority of children who commit offences have suffered abuse, abandonment and bereavement, often compounded by learning difficulties and disabilities which have too often been inadequately addressed.

2012–13

We influenced policy and practice through our submissions to consultations and inquiries including: the Mayor of London's Office for Policing and Crime Police and Crime Plan 2013-17; The Home Affairs Select Committee's consultation on the Draft Anti-Social Behaviour Bill; The Justice Select Committee's Inquiry on the Youth Justice System in England and



Wales; The Home Office's Consultation on Looked After Children following Remand.

We published *Nobody made the connection: The prevalence of neurodisability in young people who offend*, which looked at the large numbers of young people in children's prisons in England who have neurodevelopmental difficulties such as brain injuries, that could result in communication difficulties, cognitive delays, learning difficulties and emotional and behavioural problems.

2013–14

In 2013–14, The OCC made seven unannounced visits to youth justice settings, accompanied by senior representatives from other agencies, which focused on the key issues of reception, induction, searches, bullying, restraint, segregation/ single separation and mental health. Statistics on restraint and segregation were also requested.

We gave evidence on youth justice matters to Parliamentary Committees, All Party Parliamentary Groups, and a Parliamentary

review of the youth courts system led by Lord Carlile QC. We also responded (as part of the NPM) to the Government's consultation on secure colleges, a new type of detention facility for 12 to 17 year-olds.

2014–15

In addition to continuing our regular visits to the secure estate, we are commissioning research into the use of solitary confinement in youth justice secure settings.

Our impact

Our investigation into the emotional wellbeing and mental health of children and young people in custody made recommendations for improved practice which were taken forward by the Government and the Youth Justice Board (YJB). Four Government departments produced an action plan in response to the recommendations. Our visits to young people in the secure estate meant we were able to influence strip-searching, separation, safeguarding and complaints policies for young people in custody and directly challenge procedures at a number of institutions in order to improve conditions for young people in detention, including:

- recruitment of child and adolescent trained mental health professionals – with a whole mental health team replaced in one institution
- leadership change in one institution which led to a substantial improvement in staff morale
- stopping routine strip searches of children
- ending the 'no hugging' rules during visits at one prison
- implementation of an action plan agreed with the Department of Health, Ministry of Justice, Youth Justice Board and National Offender Management Service which led to breakfast packs being phased out and a review into both the timing of meals and the quality and quantity of food

- a new training programme for all secure estate staff being developed which including attachment theory, speech language and communications needs and emotional wellbeing of young people.

We have identified good practice and identified a number of concerns, including:

- children segregated for lengthy periods
- children segregated under 'informal' regimes, sometimes called 'risk management' or 'behaviour management' for lengthy periods which were not recorded in the formal segregation/separation records
- boys in a YOI held in segregation during Ramadan and not being fed adequately
- restraint using undue force, lack of attempts at de-escalation and restraint triggered by staff responding insensitively
- full searches being done routinely in a SCH in contravention of regulations
- children being delivered very late.

After each secure estate visit we wrote in detail to every setting, to the Chief Executive of the Youth Justice Board, the Chief Inspector of Prisons in his role as chair of the NPM, to the relevant inspectorate, the Director of Children's Services and the Director-General of the National Offender Management Service to highlight areas of good practice and to point out breaches of children's rights.

Key publications

I think I Must Have Been Born Bad: Emotional wellbeing and mental health of children and young people in the youth justice system

Nobody made the connection: The prevalence of neurodisability in young people who offend

Case study

Many children and young people contributed their experiences of youth justice and mental health services to *I think I Must Have Been Born Bad*. One such story is below.

Joe's story

Joe was 18 and had been involved with the YOT for over two years. He originally got a custodial sentence for a serious offence (without any significant history of offending) but this was reduced to a three-year supervision order on appeal. It is due to run out in May 2011.

Joe talked to us about his resettlement worker (at his own request) and told us that he had a history of attention deficit hyperactivity disorder (ADHD) and was prescribed Ritalin. He had involvement with child and adolescent mental health service (CAMHS) services and was in special educational provision after being 'kicked out' of school for 'hurling abuse'. He liked the alternative unit – saying it had good facilities – but also that he used to go to sleep under the tables. He lives with his Nanna and his mum was also involved in his parenting.

Joe said his offending was related to drink and drug abuse and also the influence of mates: "I do the things that they do – you get a buzz." He also said that he tends to act first and think about the consequences afterwards, rather than the other way round.

Joe described custody as a struggle: "Some of the lads were k***-heads – they tried to get me to do stuff." He had felt on his own – the other boys were in groups and he had been moved from the local YOI to a special unit for those on long term sentences.

He described his experience of the health care unit after an episode of self-harm when he had wrapped a towel round his neck. He did it because he was upset and wanted the staff to talk to him. Instead: "I got shut in health care – no telly or nought – I felt even worse – I got drugged. The next day a psychiatrist came to see me – I had to say I was fine or they'd have kept me there. I felt better when I got back to the wing and saw the lads playing on the

pool table. It would have been better just to calm me down. They didn't sit me down and try to understand it."

Joe was positive about the help he had from the YOT. He described getting on well with the YOT workers and has had input from Resettlement and Aftercare Provision (RAP) and a specialist substance misuse service on a voluntary basis, as well as the formal supervision from a case manager. On the whole things were getting better for him: he had committed two minor recent offences but none for a while. He attributed this to "the help ... and my determination".

However, recently, he has been having a rough time – he started drinking heavily and using 'blues' a week before his 18th birthday (part of celebrations) and found it hard to stop again but he asked for help and was again offered a service from his ex-Rap worker and substance misuse service.

Joe was reflective about community services and felt that the only access was through the YOT. He had used Connexions but "they just get you onto a course", sexual health services and the youth service, which helped "a bit". He also had a service from the local CAMHS for his ADHD. More recently, he had anti-depressants but admitted to not taking them.

Joe also felt it was strange that people who are 'good' in school don't get more: "You have to get into trouble to find them – since I committed my crime; I've got everything – all sorts of help. Joe did not want to transfer to adult services. He was looking forward to his order finishing and wanted to get a job. On a scale of 0-10 he felt his life was about a five but it had been higher before his recent lapse into substance misuse. Overall, he was hopeful about the future – "I've got my own mind so should be able to stay out of trouble".

Promoting and protecting children's rights: The impact of the Office of the Children's Commissioner

Asylum and immigration

The UNCRC says that governments must ensure the rights set out in the Convention apply to each child without discrimination of any kind. This includes discrimination on the basis of immigration status. Every child has a right to an identity, the right to survival and development, and the right to have their best interests taken as a primary consideration when decisions are made that affect them. Children also have the right to be protected from all forms of exploitation – including sexual and labour exploitation. State parties have special responsibilities to protect children deprived of their family environment and to provide alternative care for them. With these principles in mind, our work around asylum and immigration has ensured that the Government puts the best interests of asylum-seeking and trafficked children at the heart of any policies, procedures and practice which affect them. Our work has helped to build a more child-friendly immigration system where children's welfare is central.

Articles:

2, 3, 6, 8,9,10,12,20,22,28,29,32,35,36,37 and 39

What we did

2008–9

We contributed to persuading the Government to provide for a legal duty on those working in the immigration system to safeguard and promote the welfare of children they come into contact with. The Children's Commissioner's visited Yarl's Wood Immigration Removal Centre and highlighted poor practice around the arrest and detention of children.

2009–10

Following visits in 2005 and 2008, we revisited Yarl's Wood Immigration Removal Centre to talk to 20 young people and their parents. We interviewed them about their

experience of arrest and detention and inspected 49 children's medical and social care records. We published a report with a series of recommendations.

We also revisited Croydon Asylum Screening Unit (following an unannounced visit in 2007) to talk to UK Border Agency and social work staff and observe children undergoing screening interviews and fingerprinting, reporting on our findings. We improved UK Border Agency practice on assessing age through our work on information sharing, which we presented to the National Asylum Stakeholder Forum Children's sub-group.

2010–11

We used strategic legal interventions to set precedents for the future treatment of asylum-seeking and trafficked children, including intervening in the case of *A vs Croydon* at the Supreme Court to make sure that final determinations regarding a young person's age rest with the courts. We undertook legal interventions to clarify the UK's duty under section 55 of the Borders, Citizenship and Immigration Act 2009 to safeguard children; met with the Director of Public Prosecutions around the prosecution of trafficked children (mainly Vietnamese boys) working in cannabis factories to ensure they were treated as victims; and addressed over 200 judges from around the country about the importance of considering the voice of the child in legal proceedings around removal and detention at the Biennial Conference of the Immigration Judiciary of the First Tier Tribunal.

We also published *Landing in Kent: The experience of children arriving in the UK* which was based on a visit to the Millbank Reception and Assessment Centre.



2011–12

We published *Landing in Dover*, an investigation into the treatment of unaccompanied child asylum seekers when they first arrive in the UK. The voices of children and young people were central to the report and our work influenced significant changes in the way the UK Border Agency treated and continues to treat these children subsequently.

2012–13

Our work focused on how statutory authorities assessed the age of those who arrive undocumented from abroad and claim to be children aged under 18. Following on from our intervention in the Supreme Court in 2009 we reviewed case law and local authority practice since the judgment and published a report, *The Fact of Age*.

We wrote to the Government on a number of matters including the launch of a trial to use X-rays to 'confirm' age, contributing to the

trial being halted pending ethical approval. In partnership with the other UK Children's Commissioners we wrote to the Minister setting out a series of deep concerns regarding fundamental changes to the Immigration Rules affecting children. We also submitted evidence to and appeared before the Joint Committee on Human Rights' Inquiry into the human rights of separated children seeking asylum.

2013–14

We helped the Association of Directors of Children's Services establish a broad-based working group with government departments, NGOs and professional associations to develop a new age assessment process and practice guidance for all those involved in assessing age. It was established after a series of meetings between OCC and the Home Office, Department for Education and the Department of Health as a response to the Croydon Judgment in 2009 and the publication of *The Fact of Age*.

We worked with young people whose asylum claims had failed as this group of young people face particular issues when they turn 18. Unlike other care leavers, they are not looked after until they are at least 21 (or 25 if in higher education). Home Office funding of their care ceases shortly after their 18th birthday but few are removed from the UK. This leaves local authorities with the burden of funding their care or stopping their funding, with young people at risk of disappearing from the system and becoming involved in crime or sexual exploitation to survive. We published a report on this called *What's going to happen tomorrow?*

We responded to a number of government consultations about Legal Aid, migrant access to health services, the Modern Day Slavery Bill and the draft guidance for local authorities on the care of unaccompanied asylum seeking and trafficked children. We also continued to intervene in legal cases including the use of force against children and pregnant women in removal centres; age assessment in child trafficking cases; and the residence test arising from changes to Legal Aid.

In August 2013, we wrote to the Immigration Minister about the unfair effects and consequences of the significant changes to the Family Migration Rules and engaged in ongoing dialogue about matters raised to influence future change.

2014

We have undertaken a survey of parents and have recently issued a data request to the Home Office to try and establish exactly how many children are affected by the new Family Migration Rules with the aim of hastening a review of the current situation. We are contributing to work around new standards for age assessment which will be used by all social workers responsible for conducting assessments. We have worked closely with the Home Office to improve guidance and practice around children in the asylum system especially around treatment on entry.

Our impact

We contributed to persuading the Government to provide for a legal duty on those exercising immigration functions to have regard to the need to safeguard and promote the welfare of children they come into contact with.

We prevented the introduction of an immigration rule which would have provided immigration officers with a power to direct an unaccompanied child to undergo X-rays in order to try and establish age.

Our legal intervention contributed to a Supreme Court judgment which continues to help asylum applicants whose age is disputed to settle their claims more fairly. Further strategic legal interventions continued to safeguard children and their welfare and promoted the use of evidence from a wide range of professionals including paediatricians and teachers.

We made a major contribution to the announcement of the ending the detention of children for immigration purposes. Through visits and detailed forensic reports which employed our power of entry under the Children Act 2004 we raised awareness of conditions at Yarl's Wood in relation to children and young people's wellbeing and safety and highlighted significant child protection concerns. This powerful evidence received significant publicity and was brought to the attention of Parliamentarians and the general public which resulted in the closure of the Yarl's Wood's family unit.

We changed policy and practice regarding the prosecution of children (largely Vietnamese boys) who are found to be working in cannabis factories. These are trafficked children and we have facilitated roundtable discussions with key parties including the Director of Public Prosecutions, CEOP (Child Exploitation and Online Projection Centre), the police, ECPAT (End Prostitution and Child Trafficking) and others to ensure that such children continue to be recognised and treated as victims.

Landing in Dover resulted in changes that continue to benefit thousands of vulnerable children. The investigation ended the 'Gentleman's Agreement' between the UK and France (in respect of children) which allowed unaccompanied children arriving into Kent to be returned to France if they did not apply for asylum straightaway without contacting social services or child protection staff. This was despite the fact that many of the children returned under the agreement had a clear profile of being trafficked into the UK for exploitation. Returning these children fell well below the child protection standards set out in the UNCRC and breached the UK Border Agency's own safeguarding duties. As a result of our investigation, the practice was immediately halted at all UK ports.

Landing in Dover uncovered excessive periods of detention prior to release into local authority care due to the number and length of immigration interviews undertaken at the point of arrival. As a result of our investigation, the UK Border Agency no longer conducts screening interviews on asylum-seeking children when they first arrive as this has detrimental effects on a child's prospects of establishing their claim. Children now have some days to recover from their journey in local authority care and the chance to secure legal representation before their case for asylum is examined. This gives the child a better chance of establishing their claim.

The Fact of Age made a number of recommendations to the judiciary, local authorities and the UK Border Agency.

A key achievement has been to bring all interested parties together to map out and develop a new age assessment process. We are hopeful that this work will bear fruit in 2015 when new practice guidance will be published.

We made a number of recommendations about young people who reach 18 and whose appeal rights are exhausted. The chief recommendation is for immigration rules to be aligned with care leaving

legislation so that unaccompanied young people are treated the same as other care leavers and granted leave to remain to allow them to be cared for until they are at least 21, or if they go on into Higher Education, 25.

We also recommended that children have access to good quality legal advice which is often pivotal to the outcome of their claim. Alongside previous work in this field, this has made a significant impact – the Department for Education has, for the first time, drafted specific statutory guidance for the care of unaccompanied and trafficked children.

Key publications

What's going to happen tomorrow?" Unaccompanied children refused asylum

Fact of Age: Age assessment of children seeking asylum

The Children's Commissioner's findings and recommendations regarding the care of unaccompanied asylum seeking children in the London Borough of Hillingdon

Landing in Kent: The experience of unaccompanied children arriving in the UK

Landing in Dover: The experience of unaccompanied children arriving in the UK

Claiming Asylum at a Screening unit as an unaccompanied child

The Arrest and Detention of Children subject to immigration control

A follow up report to the Arrest and Detention of children subject to Immigration Control

Case study

This case study was developed as part of *What's going to happen tomorrow?* It was produced during one of the workshops we held with young people with the assistance of the Office of the Children's Commissioner's professional storyteller. The words and phrases used are all the young people's own.

A boy's story

Once upon a time there was a boy. He grew up in a land where there was no freedom. He was afraid for his life. He had no future, he had no voice. He decided to leave, to find somewhere he could be safe, somewhere he could make some kind of life for himself.

He travelled from land to land. The journey was dangerous, sometimes even worse than the place he'd left behind. He saw others die along the way and he didn't know if he would survive. Sometimes, he was beaten and told to go. Sometimes, he met kind people who helped him a little, gave him advice on where to go next. But most of the time, he didn't know where he was going – he was just told to go here, do this, hide here... he lived in fear of the people who were meant to be helping him travel – they were violent and they told him lies. He dreamed of being somewhere safe.

One day, he was put on a lorry, hiding in a fridge. He could feel the lorry moving and then it stopped. The doors opened. He jumped out. The lorry driver shouted, so the boy ran and hid.

But then the police came and he was found. He was taken to a cell and asked so many questions. He was so confused – and so tired – he just said whatever came into his head.

Then other people came and took him to a home. He learned that he was in England. He was able to sleep and eat. At first, everything was so new. He had to learn his way around – how to cross the road, what the money was and, of course, how to speak English.

He was given a solicitor and he helped him make his claim for asylum. The interview with the Home Office was so stressful. They asked so many questions, they expected him to know so much that he didn't know. They referred to the answers he'd given when he first arrived and every time he paused to think, they told him he was lying. He met other people in the same situation and it seemed just chance whether you got a good judgement or not.

When he got the letter saying his claim was no good, it just didn't make sense to him, the reasons they gave. Why did they not understand that he had no choice but to leave? That there was no way he could go back? But at least he had a visa to stay. He could carry on going to college and living in the flat he'd been given. He began to make friends, learn new things, feel at home here. He thought that if he worked hard, never missed a day of college and did

everything they asked of him surely they would let him stay.

And then his leave ran out. He waited to hear whether it was extended. He waited for months. He couldn't concentrate on anything else, it was so stressful: would he be allowed to stay longer? Suddenly he wasn't like his new friends at college: he couldn't apply to uni, he couldn't get a job... he was just waiting for his life to start again.

At last, he heard his extension had been refused. His solicitor told him he could appeal but it would now cost him so much money that there was no way he could afford it anyway. He couldn't stay in the house he'd been living in. He couldn't stay with friends: it was too risky for them and anyway, he needed to find a way to live for himself. But it was so hard. There was no good way of earning money and the bad ways were so tempting. What did he have to lose? He wished he'd never been allowed to stay in the first place – he'd got so used to England now, he couldn't bear the idea of moving on again. To go back to his country after all these years – it would be impossible. There was nothing for him there, except death. Why else had he left his homeland? Better to die a quick death here, he thought. He heard of someone who'd been detained and sent back. He lived in constant fear now that they would come for him. The fear made him physically sick, paralysed. He felt completely trapped.

Promoting and protecting children's rights: The impact of the Office of the Children's Commissioner

Health

The UNCRC says that every child has the right to the best possible health. Governments must work to provide good quality health care, clean water, nutritious food and a clean environment so that children can stay healthy. Richer countries must help poorer countries to achieve this.

We consider children's right to health as fundamental to all the UNCRC Articles and health considerations are a constituent of all our work.

UNCRC Articles:

24, 25, 36, 12, 19, 23, 37, 39

2007–8

We published *Pushed into the shadows – young people's experience of adult mental health facilities* which addressed serious concerns about the inappropriate use of adult mental health wards for young people, the slow rate of progress in phasing this out and the deficiencies in the quality of treatment and care provided to the young people placed on adult psychiatric wards.

2008–10

We published *Out of the shadows – A review of the responses to recommendations made in pushed into the shadows: Young people's experience of adult mental health facilities* which charted the progress against the 20 recommendations made in 2007.

We also published *Happy and Healthy*, which looked at children and young people's overall wellbeing. We worked with children and young people, aged two to 18, to enable them to become decision-makers and make their own recommendations on how to support all children and young people to make positive and informed decisions about their physical health and mental wellbeing and to lead happier and healthier lives.

2010–12

We were a member of the National Advisory Group on the Mental Health of Offenders with a particular brief for the emotional wellbeing and mental health of children in the criminal justice system.

We held membership of the National Advisory Council on Child Mental Health and Psychological Wellbeing.

We partnered with the UK Youth Parliament to collect children and young people's experiences and expectations of GPs. This work informed and influenced Parliamentarians' understanding of the impact of health reforms that were proposed in the Health and Social Care Bill in 2011.

We addressed an audience of paediatricians about the health and welfare needs of young offenders in the context of children's rights, at the Royal College of Paediatrics and Child Health's annual conference.

2012–13

The Children's Commissioner is a member of the Health Outcomes Forum. Topics examined as part of this include: mental and emotional health and wellbeing, health inequalities related to child poverty, the response of the Government to the Francis inquiry on patient-centred care and the Winterbourne View inquiry into treatment of those with learning disabilities and difficulties.

The Children's Commissioner was a critical reader of the draft stages of the Chief Medical Officer's Annual Report, which focused on the degree to which children and young people are supported to be agents in their own, and are helped to achieve the highest possible levels of, health and wellbeing.



The Commissioner attended several national health-related professional and policy making events, including the national conference of clinical commissioners of children, young people and maternity services. At each, she emphasised the need for health service policy makers, commissioners and providers to listen to children and young people and respond to their feedback as service users.

2014

Amplify has chosen to undertake a project based on mental health which will be published late in 2015. The project will identify where organisations and service providers provide information and advice for children and young people; listen to and understand from children and young people where they go for information if they have a mental health need or worry; compare what children and young people tell us with what organisations and service providers say to identify mismatches. It will also help identify what organisations are doing to help children and young people with a mental health need or worry. The work will make recommendations on where and how children and young people can better access information, help

and advice if they have a mental health need or worry.

Our impact

Pushed into the Shadows made 20 recommendations, five focusing on the work to avoid admissions of young people on to adult wards, the remainder aimed at ensuring children and young people were safe if they are admitted to adult wards. Following the report, the Government made a commitment, underpinned by section 31 of the Mental Health Act 2007, to end the inappropriate admission to adult mental health wards of all children and young people. Primary care trusts and mental health trusts have put in place a variety of measures to address the range of concerns identified by the recommendations.

Children and young people met with and fed directly in to the Children and Young People's Health Outcomes Forum, where the Commissioner is a member. Our work with Amplify and other children and young people shows clearly that they are not sufficiently consulted or involved in their own rights – issues which we shared with the Chief Medical Officer (CMO) and which influenced her eventual Annual

Report on 2012, published in 2013. All but one of the many health focused conferences and events addressed by the Children's Commissioner featured the central and purposeful involvement of children and young people as delegates and co-presenters.

Our approach has been to mainstream health across all of our projects, detained children and young people, for example (see 'Youth justice'). The Commissioner's and OCC staff members' contributions to the bodies and events outlined have influenced and continue to influence thinking on children and young people's behalf.

Key publications

Pushed into the shadows – young people's experience of adult mental health facilities

Out of the Shadows?: A review of the responses to recommendations made in Pushed into the Shadows

Happy and Healthy

We would like to make a change: Children's participation in strategic health decisions

Case study

The following is a case study from *Pushed into the shadows* which looked at one young person's journey through mental health services.

"Being in a unit with people your own age is really important"

Jack was a child who lacked confidence and started smoking cannabis at age 11. At 17, he moved into a house where there were a lot of drugs around. After about four months Jack began hearing voices and feeling like people were standing around him, touching him. The voices would shout at him or tell him jokes and then shout at him if he didn't find them funny. Jack used to find himself on the floor, holding his head and hitting himself.

After three weeks of these symptoms, Jack told his Mum and she spoke to the duty doctor. The next day, Jack met with the local crisis team who carried out a mental health assessment and asked him to go to hospital. Jack was told that there was no room at the young people's unit (his mother was told that the unit only took young people who were still in education) and so he agreed to be admitted as a voluntary patient to an adult unit about half an hour's drive away from his home.

At 17, Jack was the youngest in the unit. It took a few days for

Jack to be given information about his medication, visiting arrangements, boundaries of where he could go and what activities were available. Jack felt these should have been provided earlier.

On a typical day in the unit, Jack said that he watched the walls, smoked cigarettes, ate and slept. He did begin to take part in some activities such as playing pool, artwork and gardening but these were only available one day a week. His family visited regularly and they could always meet in private, but Jack did not wish to see his friends as they all took drugs.

After about a month, Jack felt that he was OK and took the initiative to discharge himself. He was assessed by a doctor who decided not to section him. Jack declined the doctor's offer of help and returned home to his Mum's house.

At home, Jack kept experiencing severe mood swings and five weeks later, he threatened to kill himself. He agreed to go to hospital voluntarily and was admitted that same day. It was not to the same unit he had been to before and Jack was not told why. He would have preferred to have been with familiar people. He also felt the staff in the second unit didn't quite understand him because they were used to dealing with older adults and that the

patients were harder to get on with. After a couple of weeks, Jack stopped having negative thoughts and was discharged on the understanding that would continue taking his medication and keep seeing the EI (Early Intervention) worker every fortnight.

Two months after being discharged, Jack decided that didn't need to see the EI worker anymore. Looking back, Jack feels that being in the units helped him as they got him off drugs and the voices stopped. He wanted to emphasise the need for more activities and information to be available on the wards and stressed the importance of being amongst other young people

Recommendations made by young people you contributed to the report included:

- Young patients are given the opportunity to participate in daily activities.
- Visiting arrangements are improved and dedicated spaces on wards are provided in order to ensure that young people do not lose contact with their family and friends and are able to meet with them in comfort and privacy.

Promoting and protecting children's rights: The impact of the Office of the Children's Commissioner

Child-friendly complaints

One of the Children's Commissioner's statutory functions under the Children Act 2004, as amended by the Children and Families Act 2014, is to investigate how well complaints procedures work for children and young people. Our focus is on areas where young people are often ignored or not heard and suggest ways in which complaints systems can be improved.

UNCRC Articles:

3, 12

2009–10

We undertook important research into children and young people's participation with National Children's Bureau (NCB) and Children's Rights Alliance England (CRAE) to identify areas where children and young people's voices are overlooked and requires further investigation. Our research was presented to the National Participation Forum to help them develop a national participation strategy.

In partnership with the Youth Justice Board (YJB) and User Voice we spoke to young people about their experience of complaint systems in custody, highlighting a number of situations where improvements need to be made.

We looked at Yarl's Wood Immigration Removal Centre's new complaints system, which was put in place following our recommendations. This significantly improved policies and systems relating to children's complaints before its closure.

We worked with UK Youth Parliament to consult young people on their views and experiences of health services to help us identify how to improve health service complaints systems to make sure they work better for young people.

2010–11

We promoted children and young people's views on health services to the review of NHS children's services and sought young people's views of GP services.

We embarked on work to scope complaints procedures for children in the health service to ensure they are accessible to children and young people.

2011–12

We worked with key partners (including the Children's Rights Director) to investigate the effectiveness of complaints systems in the secure estate and propose change where that is appropriate and necessary. We published recommendations for government and stakeholders in summer 2012.

2012–13

We looked at young people's perspectives on complaints in the youth justice system's secure estate, and in services for mental health and sexual health, including those provided by GPs.

We published a report on young people's perspectives on the complaints system in the youth justice system and secure estate, *Why are they going to listen to me?*

It found that despite positive changes to the complaints process, too many cultural and bureaucratic barriers still prevented young people making a complaint. It contained further recommendations to improve the system.

In July 2012 we published *It takes a lot of courage* which examined children and young people's experiences of complaints procedures in services for mental and sexual health including those provided by GPs. This made further recommendations designed to improve complaints processes.

2013

Based on evidence gained in the previous two years in youth justice and health services we published *Common principles for child friendly complaints systems*, which was endorsed by the Royal College of Nursing, the Royal College of Paediatrics and Child Health, the Royal College of Psychiatrists, HSJ, and Monitor.

Our impact

The Youth Justice Board (YJB) committed to improve young people's confidence in its complaints systems. They also published a Review of the Complaints System in the Secure Estate for Children and Young People. Its recommendations included one which explicitly urged the system to take forward all our recommendations.

The publication of *Common principles for child friendly complaints systems* puts children and young people's voices right at the heart of improving the quality of services that they receive and have encouraged a number of service environments to actively encourage feedback from children and young people.

Key publications

Principles for a Child Friendly Complaints Process

Child Friendly Complaints Processes in Health Services

It takes a lot of courage: Children and young people's experiences of complaints procedures in services for mental health and sexual health including those provided by GPs

Why are they going to listen to me?" Young people's perspectives on the complaints system in the youth justice system and secure estate

Case study

Sarah's story

Sarah needed several stays in an independent inpatient unit when she was 16 years old.

She became very unhappy at the level of care she was being offered and so she raised her concerns at her Care Programme Approach (CPA) review and also with an advocate who provided some sessions at the unit. Both she and her mother described a process of both questions and emails never being answered.

As a result of these problems, and because the complaint Sarah had raised via the advocate had not brought any improvements, Sarah's mother decided to make a formal complaint about the psychiatrist in charge of her daughter's care. In particular, she was very worried about the lack of any care being organised for Sarah in the community. An initial contact with the local PALS service then resulted in the unit's psychiatrist, during a CPA meeting, asking whether she was making a complaint – Sarah's mother described this feeling quite threatening and also inappropriate and a breach of trust.

What followed was an extremely protracted process of trying to identify who she

should speak to, with little or no advice being offered as to how to make a formal complaint and it seemed, a general lack of clarity as to who was responsible for dealing with complaints about independently provided inpatient CAMHS.

The process included, amongst others, contact with ICAS, the local PALS, the Chief Executive of the local NHS Trust, the service director, a local complaints manager, the CAMHS Clinical Director, two local CAMHS Commissioners and a local councillor. Sarah's mother noted that it was only when she took this 'top down' approach that things started to happen and that from that point onwards, it did feel as if her concerns were taken seriously.

However, in total, she estimated that over twenty people were involved along the way.

Sarah's mother suggested that, in her opinion, a major problem with complaints about mental health services is that although non-medical and non-therapeutic aspects of care (for example, about hospital food or physical amenities) do get addressed, it seems very hard to challenge

the decisions and actions of senior clinical staff. She commented that she had found the junior staff in the inpatient unit much more supportive but not strong enough to support Sarah with her complaint and that some senior staff appeared "untouchable" and to view the complaints procedure as "laughable".

She concluded that "if you can't get to the right person at the start, you feel like you should give up." Her daughter has also never received an apology, nor any acknowledgment that her treatment could have been managed better.

Promoting and protecting children's rights: The impact of the Office of the Children's Commissioner

Child rights impact assessments

The Children Act 2004, as amended by the Children and Families Act 2014, explicitly states that the Children's Commissioner and her Office may carry out child rights impact assessments (CRIAs). The role of CRIAs is to look at the specific impact on children's rights of any proposed new law. They are an important way of promoting and restating all of children and young people's rights under the UNCRC.

We began to publish CRIAs in 2010 and have so far looked at six key topics. The actions and impacts for these are recorded under each specific CRIA.

The Equality Bill 2009

The CRIA identified omissions in the Bill which greatly reduced its capacity to advance equality protections for all children in England as well as for specific groups of children. These included the exclusion of children and young people below the age of 18 from age discrimination, harassment and victimisation provisions; exclusion of pupils in schools from protection against discrimination, harassment and victimisation on grounds of pregnancy and maternity; exclusion of pupils in schools from protection against harassment on grounds of gender re-assignment (i.e. pupils with gender dysphoria undergoing or considering medical treatment); the exclusion of children's homes and schools from the public sector duties to promote equality of opportunity and foster good relations on the grounds of age.

Our CRIA was widely recognised by the Government and sector as being an important contribution to the debate. The Office of the Children's Commissioner worked closely with the Young Equals Campaign, coordinated by CRAE (Children's Rights Alliance for England) and successfully lobbied for the inclusion

of children and young people in the age discrimination measures in the Bill. Antisocial Behaviour, Crime and Policing Bill This CRIA reviewed two aspects of the bill – provisions relating to Anti-Social Behaviour and those relating to forced marriage – and considered their potential impact and compliance with the Articles of the UNCRC.

2012 Autumn Statement and 2013 Budget

This CRIA examined the distributional impacts of fiscal decisions made between 2010 and 2013, against a backdrop of States' Parties obligations to ensure the progressive realisation of children's rights, including rights to an adequate standard of living.

It has been widely quoted, including by the Social Mobility and Poverty Commission.

Children and Families' Bill 2013

This CRIA considered potential impacts on children's right of three aspects of the Bill: reform to private family law; changes to support for children with Special Education Needs and Disabilities; and adoption reform.

During the passage of the Bill, the CRIA was quoted extensively, and a number of amendments were made which addressed several of the issues highlighted in the CRIA as well as by other organisations.

Legal Aid

The CRIA assessed the impact of children and young people on the changes to civil and prison law Legal Aid since April 2013, including the new regime brought in by Legal Aid Punishment and Sentencing of Offenders Act 2012 and Transforming Legal Aid proposals. This CRIA was supported by desk-based research on quantifiable impacts and a participation study.

It found that a wide range of rights under the UNCRC had been noticeably impacted. In particular, children's rights to be heard in proceedings affected them, to have their best interests taken into consideration, non-discrimination and other rights affected by the legal problems with which they were struggling.

As a result of this CRIA, the Justice Minister announced a review of the Legal Aid changes and this is now being taken forward by the Ministry of Justice.

2013 Autumn Statement and 2014 Budget

This CRIA looked at the impacts of the 2013 Autumn Statement and 2014 Budget, following on from the previous CRIA on the 2012 Autumn Statement and 2013 Budget. It incorporates distributional analysis and qualitative research with children and young people and parents/carers.

Key publications

Child Rights Impact Assessment of the Equality Bill 2009

Child Rights Impact Assessment 2012 Autumn Statement and 2013 Budget

Child Rights Impact Assessment on the Children and Families' Bill

Child Rights Impact Assessment on Legal Aid

Child Rights Impact Assessment 2013 Autumn Statement and 2014 Budget

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Case study

As part of our Legal Aid CRIA, we collected the stories of young people who were directly affected by changes to Legal Aid. We made these into the infographics shown below and shared them with our 19,000 Twitter followers to demonstrate how children's rights were negatively impacted. These were retweeted over 1000 times including by many influential Parliamentarians and reached people all over the world.

Representing yourself in court (called being a litigant in person) is often a negative experience that has an impact on the outcome of cases and the wellbeing of young people.

“
The Judge asked me, do I have anything to say? But I'm not a barrister, what am I going to say? Even if I do say anything, you're not gonna listen to me.
Fran, 20, care leaver”

Some children and young people do not receive the support they need and do not resolve their cases until they get legal support.

“
There were a lot of things they do only by the fact that they don't wanna go to court. It literally always has to come down to that. Like, when my lawyer says something like, “If you don't reply by 2pm on Tuesday or whatever, we'll proceed to court”, they always seem to do it.
Leila, 17”

Some children and young people (and their parents and carers) did not know that legal support was available

“
I think you know that if you get nicked you can get criminal Legal Aid but I don't think people even realise that they can get help with education matters or legal help for their kids so I think it's a bit underestimated.
Mother of 15 year old boy”

Some children and young people facing legal matters felt desperate because of a lack of support

“
And then when everything changed, when Legal Aid changed, that's when I couldn't...he couldn't help me anymore. So that's when I, when my advocate came in. So, my advocate was trying to help but at the same time it was about money as there's no Legal Aid any more. So that's when everything got worse.
Shola, 18”

Find out more about how changes to Legal Aid have affected children and young people at www.Childrenscommissioner.gov.uk

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