

ENOC Report

Scotland's Commissioner for Children and Young People

Tam Baillie

Role and Structure of the Organisation

Role and responsibilities

The role of the Commissioner is to promote and safeguard the rights of children in Scotland, by ensuring that their rights are respected.

The responsibilities and powers of the Commissioner are laid out in the Commissioner for Children and Young People (Scotland) Act (2003).

The Commissioner has a responsibility to:

- have regard to the United Nations Convention on the Rights of the Child and act in a manner which encourages equal opportunities
- encourage the involvement of children and young people in the work of the Commissioner and consult relevant organisations
- promote and safeguard the rights of children and young people, including research, and review of law, policy and practice

The Commissioner has the power to:

- carry out an investigation into whether a service provider has regard to the rights, interests and views of children and young people generally or to particular groups of children and young people

Staff and Structure

We are a small team with only 14 staff, working under the key functions of:

- Participation and Education - maximising the engagement of children and young people by providing effective means of communication of their views
- Policy - influencing policy development and implementation at national and local level, through parliamentary processes, research and monitoring
- Communications - managing the effective communication of key messages with regard to issues affecting children and young people

- Corporate Services - maintaining and improving office supports through administrative, finance and human resources policies and practices

Individual Complaints

The office does not have a compliant handling responsibility, although it does provide an Enquiries Service, which provides information and advice on a range of issues relating to children's rights.

In the year April 2010 – March 2011 the office responded to 330 enquiries.

Main Activities to progress the Strategic Aims of the Office

My second year in office has been characterised by planning for my Strategic Plan 2011-2015. This has been influenced by my consultation with children and young people, called a *RIGHT blether*, which polled 74,059 responses, making it the largest consultation undertaken in Scotland. I also held a formal consultation with professionals and organisations relevant to children and young people.

I will report on progress made under each of the Strategic Aims in the plan.

Strategic Aim 1

To maximise the impact of the United Nations Convention on the Rights of the Child (UNCRC) in Scotland.

I have continued to adopt a personal approach to the promotion of my role and the UNCRC by engaging with key professional contacts. I continue to be encouraged by the extremely positive relationships I have established and maintained at all levels of influence. This includes: Cabinet secretaries and Ministers, senior government civil servants, chief executives and senior officers in local government, and a very wide range of partner organisations.

I have continued to provide regular media comment on matters relevant to children and young people. This has included television, radio and press commentary national and local coverage of topical issues relevant to children and young people.

The website has been updated and rebranded and I opened a Twitter account in May 2010.

Strategic Aim 2

To influence and promote the effective and sustainable involvement and widespread participation of children and young people in Scotland's society

To promote the UNCRC in the curriculum, 3,700 Resource Packs were distributed to schools and youth services across Scotland and my visits to schools show that they have been used extensively.

In preparation for the consultation vote, 22,815 children and young people worked through partnership initiatives with the Scottish Youth Parliament and the Children's Parliament. This was to identify the key themes of concern to children and young people that informed the final voting choices.

A total of 460 establishments and organisations formally became a *RIGHT blether* voting centres with voting taking place throughout November 2010. Voting centres ranged from after school clubs, youth clubs and primary schools, to large secondary schools, supported accommodation services, health services, the BBC – and the Scottish Parliament.

Over 1,800 expressive examples of a *RIGHT brilliant thing* created by children and young people were received. Over 150 UNCRC 21st anniversary celebration parties were held across Scotland.

The cumulative effect of the implementation of a *RIGHT blether* has been to increase the awareness of the role of the Commissioner, although this has some way to go as the recognition rate for the Commissioner was 24%. For the UNCRC it was 44% in the returns from the consultation.

Between June and December 2010 a total of 117 tour stops were undertaken by me and my team to promote and disseminate information about a *RIGHT blether* and children's rights. The tour covered all local authority areas in Scotland and included a very wide range of centres – schools (nursery, primary, secondary and special), youth club centres and social care settings, as well as a number of specially arranged events organised on a local authority basis. A total of 20,286 children and young people and adults working with them attended the tour stops.

GLOW is the national intranet for schools in Scotland. A total of 3,500 pupils registered to attend 6 GLOW meets during the consultation period.

I have initiated work on a *RIGHT wee blether* which is a consultation with nursery aged children. This will take place in Autumn 2011.

Strategic Aim 3

To promote and safeguard the rights of children and young people, particularly the rights of vulnerable groups, through policy scrutiny and by supporting good practice

I have continued specific areas of work to promote and safeguard the rights of children and these are at various stages of development. I have continued to influence the work of Scottish Government and the Scottish Parliament and I am encouraged by our links at a local authority level.

The work on children of asylum seekers has moved significantly in a positive direction following a change of UK government policy in terms of ending child detention. I have

continued to work with the UKBA in this area for the present as there remain a number of issues regarding the operation of the new systems.

I have published research into the implementation of the Early Years Framework in Scotland with a series of recommendations aimed primarily at Scottish Government to show greater leadership and encourage service agencies to pool resources at the local level.

I published a report into Child Trafficking in Scotland with recommendations aimed at Scottish Government, local government, UKBA and the police. I expect to press on these recommendations in the coming year. The report was followed by a conference in June 2010 which included inputs from the UN Rapporteur on Human Trafficking and the EU Trafficking Co-ordinator.

I have reviewed the progress made in respect of children of prisoners and this has resulted in proposals for the Scottish Parliament to conduct an inquiry. This is timely given the imminent UN General Day of Discussion on the subject.

I have engaged with the Scottish Parliament to influence legislation, particularly in relation to the Children's Hearing system and the administration of justice as it affects children and young people. While improvements have been achieved in terms of the cessation of children under the age of 12 appearing in adult courts, Scotland still has an age of criminal responsibility of 8 years of age.

The new majority government in Scotland provides new opportunities to consider positive legislation in respect of children and young people. There is an opportunity to develop work with regard to the incorporation of the UNCRC into Scot's Law with the commitment of the incoming government to introducing new children's legislation. It is early days and it remains to be seen whether we can realise the potential in this area.

Strategic Aim 4

To ensure that the office of the Commissioner is efficient, effective and fit for purpose

I have progressed work on the Employee Handbook, Procurement and Recruitment policies. The Scheme of Delegation has been updated to reflect the current position and the Emergency Response Plan has been completed.

I deleted the post of Chief Officer from the staff team from April 2011. This was driven by the need to make budget savings and has required some adjustment in staff responsibilities.

The budget submission for 2011 – 2012 made a saving of 7.4%, which forms the basis for achieving the required budget savings of 15% in real terms up to 2014.

Other Activities

I intend to lay my Strategic Plan before Scottish Parliament when the new session allows for final consultation with Scottish Parliamentary Corporate Body and the relevant Parliamentary Committees. This will form the basis of the future work of the office.

The results of a *RIGHT blether* were children and young people asking for help to:

- *Be safe and secure in our home* - my response to this is to commit to promoting early intervention and prevention of child abuse and neglect. This has been refined to focus on the issue of children and young people living with domestic abuse.
- *Have the same chances, no matter how much money our families have* – my response to this is to commit to campaign for more equitable access to opportunities for learning in formal and informal settings, particularly children and young people living in poverty with low educational attainment.
- *Feel safe and respected in the community* - my response to this is to commit to promoting respect and challenging prejudice and negative perceptions of children and young people in society.
- *Include each other, no matter how different we all are* - my response to this could potentially include all young people, so my initial response will be to commit to working to ensure that children and young people with disabilities have equal chances in all aspects of their lives.