

A Children's Champion for Scotland

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Scottish children look likely to get their own Children's and Young People's Commissioner in the near future. After many years campaigning, organisations working with children and young people now see light at the end of the proverbial tunnel with the recent positive steps towards the establishment of a Commissioner's Office in Scotland. The Education, Culture and Sport Committee of the Scottish Parliament completed their inquiry into a Children's Commissioner earlier this year and published their report (Scottish Parliament, 2002). This endorsed the Committee's support for the establishment of a Commissioner in Scotland. The Scottish Executive, in its response to the report, stated that there was, in principle, a good case for a Commissioner for Children and Young People. The next step will be to introduce a non-executive bill, led by the Education, Culture and Sport Committee into the Scottish Parliament. This is hoped to be in the autumn of 2002 to meet the demands of the legislative timetable in advance of the Scottish Parliamentary elections in 2003.

The Scottish Parliament does not start with a blank sheet, as a Children's Commissioner is not a new or untested model. Across Europe there are a wide range of bodies which have been established to work with, and on behalf of, children's human rights. They vary in size and the scope of their activities, but they are joined together by some common intentions and principles. These include: promoting the implementation of the United Nations Convention on the Rights of the Child; ensuring a higher profile for the needs and rights of children; influencing law, policy and practice; promoting effective government co-ordination across departments and structures; collecting data; and providing a conduit and focus for children's views (Newall, 2000).

There have been reviews and evaluations of existing children's rights institutions which show that there are positive outcomes for children as a result of the existence of such offices. In Norway, the office of Children's Ombudsman is now well established, having been set up in 1981, and has a prominent number in local telephone directories. The office has, for example, been successful in lobbying for new regulations for children in hospital, raising the age at which children can be held in adult prisons, and requiring planning authorities to monitor the effects of policies on children (Potter, 2000).

Here in the UK, the first national Children's Commissioner was established in Wales in 2001, following the outcome of the Waterhouse Report and the inquiry into the abuse of children in care (Waterhouse, 2000). The Northern Ireland

Assembly announced its intention in January 2001 to appoint a Children's Commissioner and since then a major consultation has taken place to inform its role and remit. (Office of the First Minister and Deputy First Minister, 2001). This included a wide-ranging consultation with children and young people. Currently there is no Commissioner in England although the establishment of the Children's and Young People's Unit as a central focus for the interests of children within government in England may provide an opportunity for further debate. At a more local level, there is a well established Children's Rights Commissioner in Oxfordshire, a partnership between Save the Children and the local authority, and London has its own Office of Children's Rights funded through the Community Fund.

So what will a Commissioner do and how will that affect, in particular, children and young people who are looked after? The detail will be revealed in the bill later this year but the Education, Culture and Sport Committee has come up with a number of recommendations which fall in line with children's human rights institutions elsewhere (The Scottish Parliament, 2002). These include the establishment by statute of an independent office entitled 'Commissioner for Children and Young People' which would cover all children up to the age of 18. The remit, the Committee suggests, should include powers to carry out investigations in exceptional circumstances and the development of formal links with legislators and policymakers to raise matters of concern at an influential level. The office should be able to comment on and request information on reserved matters (matters considered at Westminster and not devolved to the Scottish Parliament) and promote children's rights and monitor implementation of the UN Convention on the Rights of the Child. Crucially, the Commissioner's office should be required to involve children and young people and advocate on their behalf.

The remit, the Committee suggests, should also encompass those children and young people over the age of 18 who are looked after or accommodated and those to whom local authorities have a duty of care under the Children (Scotland) Act 1995. This is recognition of the particular vulnerability of young people who are looked after. In Wales, the Children's Commissioner can be responsible for care leavers up to the age of 25 under the Children (Leaving Care) Act 2000.

The Committee drew on the evidence of Children's Rights Officers and Who Cares? Scotland in the report, acknowledging their fundamental importance in supporting young people who are looked after and accommodated. However, it noted that there was no consistency in provision of children's rights services across local authority areas, leaving a gap in support for children. Children's Rights Officers, in their evidence to the committee, highlighted the potential for a Children's Commissioner to review and monitor the operation of

complaints procedures and to investigate where children were not able to access the services they require.

The challenge for a Children's and Young People's Commissioner for Scotland will be to try to respond to the multitude of demands that are likely to be unleashed once the legislation is successfully passed and a Commissioner's Office is set up. The post-holder's role will be to represent the interests of all children and young people in Scotland, with much of the activity likely to focus on the universal applicability of policy, law and practice and the need to champion children's rights. Alongside this, the Commissioner's remit will necessitate close examination of areas where children and young people are particularly disadvantaged or discriminated against and where systems have failed young people, their rights are being ignored, or their voices undermined. Some of the most powerful arguments for the establishment of Children's Commissioners have come as a result of well publicised failures of agencies to protect children and young people from abuse and ill-treatment by adults. The Commissioner's Office in Scotland is not being established in these dispiriting circumstances, giving agencies working with children the opportunity to view the introduction of a Children's Commissioner positively. For children and young people who are looked after, a Commissioner will provide them with an independent, national watchdog and champion who is there to promote their interests first and foremost.

References

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