**Annual Lecture of the Observatory for Children’s rights, delivered by Professor Sally Holland, Children’s Commissioner for Wales**

**Bangor University, 9th June 2016**

**Children’s Rights in 2016: What next for Wales?**

Noswaith dda pawb. Mae’n bleser i gael bod yma heno ac mae’n fraint i dderbyn gwahoddiad i roi yr araith blynyddol o’r Arsyllfa Cymru. It’s a particular honour to follow on from Sir James Munby, who gave last year’s lecture in Swansea.

I have been Children’s Commissioner for Wales for just over a year now and for me this lecture provides a timely opportunity to pause and reflect on where we are with children’s rights in Wales, and what might be coming next.

The Observatory is for me an important site for the consideration of children’s rights in Wales. It provides independent academic analysis that I find invaluable. But I also appreciate the very hands-on and practical ‘doing’ of children’s rights by The Observatory. Just before this lecture I had another chance to meet children taking part in the ‘Little Voices’ project. I heard research groups from two primary schools in Anglesey presenting their findings on very contrasting topics they had chosen themselves – organ donation and how to get more people to pick up dog poo on the beach. They were lively and enthusiastic about their projects.

I also appreciate the hands-on nature of the Observatory’s engagement with the UN Committee on The Rights of the Child and the examination of the UK and devolved governments over the last year and a half. The Observatory enabled the Committee to receive a report by the youngest group of children ever to report to it, from the Little Voices project. I was very proud that this pioneering step came from Wales. They also enabled young people from Wales to attend the committee sessions and Jane Williams showed real leadership in co-ordinating the response from the NGO sector.

My main job as Children’s Commissioner for Wales is to be an independent champion for children and to promote and safeguard children’s rights in Wales. I cannot do this alone and it is fantastic to have partners like The Observatory to push forward children’s rights in Wales.

In this lecture I want to do three things.

Firstly, I wish to present an overview of where Wales has got to in terms of children’s rights, since the country took the bold step of creating the first Children’s Commissioner in the UK in 2001 as one of the first acts of devolution.

Secondly,I’ll take a closer look at two debates about the rights of children that I have got myself involved in during the last year, because I think they illustrate deeply held beliefs about the place of children in Welsh and UK society. These are the issues of the legal defence for the physical punishment of children and the rights of children who are being electively educated at home.

Thirdly, I’ll look forward. Less than a month has passed since a new government was formed in Wales following the elections on May 5th. Today the Concluding Observations of the UNCRC were published. I will discuss those concluding observations and consider the prospects of the new government in responding to those concluding observations. I will set out my own priorities for my own work over the next few years. I will end the lecture with thoughts on the prospects for change.

As a social scientist I am keen to speak from a basis of evidence. Evidence can come from a number of sources (and indeed we get a more holistic picture when we use different sources and different methods to gather our evidence).

(1) We need excellent statistical evidence – what has been the impact of different policy or legislative changes on children’s lives e.g. impact of benefit changes on poverty levels for children? If we are really smart with statistics we may be able to find out also the compound effect of benefit changes plus decreased access to services for poorer children due to local authority cuts to play, leisure, cultural, sporting and educational services. How many of Wales’ children living in poverty benefit from the Flying Start programme? How many do not because they live outside of those areas?

(2) We need evidence about what works to help children live safe, happy, healthy lives where they can fulfil their potential. It is often temping to chase the next attractive looking solution but with public money so short, we must assess whether programmes that look good actually make a difference, or indeed doesn’t do harm. Let me give the Family Nurse Partnership programme as an example. This programme of enhanced health visiting for younger mothers up to the age of 19 has been found to improve outcomes significantly for mothers and their babies in the United States. However, a randomised controlled trial of the programme in England and Scotland, conducted by researchers in Wales, found that the families receiving the programme had no better outcomes than those receiving usual health visiting services. It is possible that a programme that works well in the United States (where so many programmes originate) will not have such a big impact in European countries where universal health services may be stronger. It would not be wise for Wales to invest in this programme rather than other family support programmes.

(3) A third important source of evidence comes from children, young people and the adults around them directly. This is an often overlooked aspect when we are thinking about evidence but it is the only way we can make sense of the statistics and outcomes data.

On taking up the role of Children’s Commissioner for Wales, I embarked on a listening exercise called ‘Beth Nesa ||What Next?’ From April - October last year my team and I carried out a large scale consultation asking children, young people and adults who care for them, about children’s rights in Wales and what I should be prioritising. In the first phase we spoke to over 1000 children and young people aged 3-18 face-to-face in schools, hospitals, hostels, care settings, community centres, the Urdd Eisteddfod and play days. This phase was very important for me because it allowed me to hear directly about children’s everyday experiences in all sorts of locations and circumstances. The themes emerging from these discussions were put into a survey which ran for 6 weeks in the autumn and attracted completed responses from 6000 children and young people and 874 adults. It was pleasing that the gender, age, region, language, social class and ethnicity of children taking part broadly reflected the population of Wales. In addition, voices seldom held in this sort of consultation were included, with 758 3-7 year olds taking part. We also know that gypsy and traveller children, young people who are homeless, care leavers, young people in prison and those in hospital took part. None of these would normally take part in a survey administered in the classroom which is the usual way of conducting surveys with children.

On this short video clip you can see children explaining what children asked me to prioritise in my work[: Beth Nesa/What next findings overview](https://www.youtube.com/playlist?list=PLGsIZNczbJKh2zmNg7Sb8VyhNVwuZbF4Z)

All age groups of children, and adults put tackling poverty as a priority for children’s rights in Wales. All age groups of children talked about access to play and leisure and 3-7 year olds put this as their number one priority. Protection and feeling safe were strong themes. Young women talked powerfully about harassment in the streets. All children and young people talked about safety in schools – especially related to bullying - and many were concerned about abuse and neglect at home.

The highest priority for children and young people aged 7-18 was bullying. This is important because it was not one of the highest priorities for adults, showing the importance of asking children directly. However I see this as strongly linked to the highest children’s rights priority from adults – mental health. Both signal a general concern about children’s emotional health and well-being in Wales, something that emerged strongly in the phase one conversations of the consultation too. For me, the disparity in waiting lists between adults and children’s mental health services is a clear rights issue. No child should be waiting over a year for mental health care, something that is common in our CAMH Services.

Other themes that arose strongly in the face to face conversations included transitions to adulthood, Welsh language provision for social and leisure activities, the need for a Youth Parliament in Wales, the needs of Looked After Children and the needs of disabled children.

So where are we at with rights in Wales? I must emphasise that there were many positive things to hear during my consultation. Many children and young people felt safe – the vast majority felt happy and listened to.

And we have some real strengths at a national, local authority and hyper- local level in Wales.

At a national level we have the Rights of Children and Young Persons (Wales) Measure 2011. It is not a perfect integration of the UNCRC into the everyday workings of our public bodies in Wales, but it is the most advanced in the UK and was a significant step forward. It has been extended through the Social Services and Well-being Act 2014. Wales is ahead of the game on aspects of tackling domestic abuse, planning for play and active travel. The latter is an important point as children cannot drive so in order for them to move independently through their communities we need to make it safe to walk and cycle.

Regionally and at a Local Authority level there are some strong mechanisms for participation through local authority youth forums, cabinet and councils. Every local authority has an active one, adapted to suit the local area. However, they can be precarious, relying on individual champions and vulnerable to funding cuts. We do lack a national democratic forum for young people to bring views forward that cannot be tackled at local authority level.

And, at service delivery levels, we have some fantastic school councils (and some not so good too). Many other charities, health boards and other providers are on journeys towards greater participation.

Despite these positives, my biggest concern is inequality, which covers many aspects. The least affluent children in our Beth Nesa || What Next survey were more likely to have low mood, feel unsafe and not listened to.

Poverty is closely linked to, although not necessarily causal in relation to, a number of areas that impede children’s ability to access their rights or mean that they will require extra help with provision of basic needs. These include heightened risk for mental health difficulties, for abuse and neglect and for low educational achievement. Children living in poverty are less likely to access the types of enriching activities that are often normal parts of their better-off peers’ lives – music lessons, sports clubs, extra tuition, holidays, trips to theme parks, museums, the theatre and historic sites. This in itself can explain some of the disparities in outcomes between socio-economic groups.

Other significant inequalities include disabled children, who are regularly excluded from accessing their basic rights, and those linked to race, ethnicity and culture; for example Gypsy and Traveller children often lose out on basic rights to education, play and safety.

Geographical inequalities also matter a lot to me, wherever a child or young person lives in Wales they should have similar access to their rights.

This is why I have set out an overall vision for a Wales where **all children will have an equal chance of being the best that they can be.**

I thought I’d move from broad overview now to looking at two areas that have been important to me in the last year, so that we can examine more closely current attitudes to children’s rights in Wales.

(1) Equal Protection

Most of you here will be well aware of this issue, but here is a quick recap in case the issue is new to anyone. There is no defence in the law for common assault of an adult. In England and Wales there is a defence of ‘reasonable punishment’ for common assault on a child, it is called ‘reasonable chastisement’ and in Scotland this is called (even more shockingly) ‘justifiable assault’. I think that this is the most fundamental breach of children’s rights in the UK. It gives less protection to children (usually we give more). But here are the arguments given to retain the defence:

* Children are too young to understand reason
* Parents should be able to decide how to bring up their children
* Parents shouldn’t be persecuted
* “It didn’t do me any harm”

There are counter-arguments to each of these. Yes, some children are too young to understand reason, but there are much better ways of encouraging good behaviour than smacking. It is a terrible message to give children that you can make someone do what you want them to do by hitting them. The evidence shows that warm, assertive parenting with clear boundaries and without physical punishment is the most effective for children’s outcomes. There are some adults too that are unable to understand reasoned argument. That may be an older person with advanced dementia, or an adult with severe learning disabilities. We are rightly horrified if we come across instances of carers hitting these adults to get them to do something. The same standard should apply for children.

Yes, on the whole, parents should make decisions about how to bring up their children. But as a society we do put limits on parents’ freedoms in order to protect children and give them access to their rights. Examples include the requirement to wear seat belts in cars and not to smoke in cars with children.

Again, I agree that we would not wish to see large numbers of parents prosecuted, but the experience of the introduction of this legal change in tens of other nations is that this has not been a consequence. I have held discussions with senior figures in the CPS, police and social services and been informed that prosecutions would only be brought if in the child’s best interests and in the public interest. This, I hope gives reassurance.

Finally, the ‘does no harm’ argument is, in fact incorrect in the face of evidence to the contrary. While many adults, including myself, were smacked as children, the evidence shows that at a population level, smacking, particularly if regularly used as a punishment, causes poorer outcomes on a large number of social and health measures than not smacking. Besides this, many parents report feelings of guilt after smacking, often saying they did this when losing their temper. Simply taking it out of their parenting repertoire, through a combination of legal prohibition and education, as teachers have had to learn to do with their pupils, will mean that they are less likely to resort to smacking in moments of stress.

The very exciting news is that the new Welsh Government has stated that it will aim to bring this legal change in this governmental term. I look forward to supporting this change as Commissioner and will work hard to make sure it happens.

(2) Elective home education

Some of you will have heard me speak out on this issue in the last few months. There are two things that I like to make clear when discussing this project. Firstly, very many children are home educated *because* their parents want to enhance their wellbeing. It is not a safeguarding issue *per se*, even though I am about to outline some possible concerns. Secondly, there is a very broad range of children who are electively home educated, including those whose parents are ideologically opposed to our current education system, those for whom formal schooling did not work out and those who are probably receiving very little education at all. It would be clumsy to generalise about the ‘home educated child’.

But I have expressed concerns related to one tragic death in Pembrokeshire and with the knowledge that other children in Wales have suffered significant harm. My concerns are:

a) Safety – it’s possible to go completely ‘under the radar’ in terms of safety and health. Parents do not have to register the fact that they are electively home educating their child, unless they are withdrawing them from school, and they are also under no obligation to seek routine health screening. Despite very many parents’ efforts to ensure that their home educated child takes part in activities in the community, it is possible for children not to be seen outside of the family at all.

b) The right to an education. Bearing in mind the spectrum of experiences mentioned earlier, whilst some children will be receiving education at a very high standard, I am aware that some ‘electively home educated’ children are receiving almost no education at all.

c) The right to have a say. Although the local authority should try to engage with parents about what education their child is receiving, and offer support to them, there is no requirement that a child or young person be asked about their educational experiences and whether they are satisfied with them.

I have been asking for children to *have* to be seen, from time to time, by an outside professional, probably a teacher, and to be asked directly about their experiences of being electively home educated. This would be primarily an education visit, but could allow for any obvious concerns such as untreated medical needs or neglect to be addressed. Progress on this is less concrete than on physical punishment, and like physical punishment it is an issue affecting children in all four UK nations, although in both cases the issue is devolved. However, I am actively engaging with Welsh Government to try to find some sensible proposals to move forward on this, and am determined to make progress on the issue.

Again, on elective home education, arguments are made that we shouldn’t interfere with parents’ rights to decide how to bring up their children. And in both of these debates we can see some common threads in how society has traditionally viewed children. We can see the notion that children belong to their parents, as possessions. It is often argued that parents should be allowed to do what they wish with their children (short of abuse or neglect). This argument has some merit of course and we would not want a State that dictated exactly how parents should bring up their children, but it gives children an inferior status and assumes that they will not have their own emerging views.

Another assumption I detect in both of these debates is that children are empty vessels or ‘tabula rasa’ (a blank slate) waiting to be disciplined, educated and shaped rather than individuals with emerging views, who enter dynamic relationships with those around them from a very young age. Anyone of us here who has raised children will be aware that parenting is not a one-way process in which we ‘do’ to our children. Instead it is a dynamic relationship, which the child’s personality impacts on and in which parent and child respond to each other.

Overall, it can be seen in these arguments that children are worth less than an adult. We worry about the risk of an adult being prosecuted for the ‘trivial’ event of hitting a child. It is no longer socially acceptable to say that regarding hitting an adult.

I read some really outraged news reports in the UK media a couple of weeks ago that religious authorities in Pakistan were trying to get the new law criminalising violence against women repealed, to be replaced by a proposal allowing men to ‘lightly beat’ their wives. Whilst I agree that this was an outrageous proposal, the tone of the media reports was how uncivilised Pakistan is compared to us. But our defence in our law allows this exact same thing – the ‘light beating’ of children. This, in my mind illustrates that children are still worth less than an adult.

For the last section of this lecture I want to explore what will come next for me and my organisation in terms of my priorities and goals I wish to achieve. In February I stated the following vision for Wales:

**“By 2019 I hope that Welsh Government and public services will have made significant progress towards delivering the following improvements for children:**

* **Children and young people will have access to the mental health services they need in a timely manner. There will be stronger programmes for promoting emotional health and wellbeing in place in our health and social services, schools and youth services**
* **Children’s contemporary experiences of bullying will be better understood and more schools will prevent and tackle bullying effectively**
* **There will be better access to play, culture and leisure activities by children who are most likely to miss out on these, particularly those living in poverty and disabled children.**
* **Care leavers will have better access to safe and secure housing options and an active offer of a job, education or training place,**
* **All young people requiring continuing health and social support will have improved transitions to adult services**
* **Children will have the same legal protection as adults from physical assault**
* **Children and young people will be better involved in public services, including my own organisation.”**

Here are some of the things I will be working on, to support these changes:

* I will be working hard to putting children and young people at the heart of my organisation. Although we have excellent networks for consulting with children, there is no current mechanism for involving children at the strategic level. I am currently recruiting for a young person’s panel, and would urge you to promote this opportunity to young people aged 11-18 that you are in touch with.
* I would like to put the UNCRC at the heart of all the public sector. I will be working with the Future Generations Commissioner to promote this to public sector bodies and to show how children’s rights align with the goals set under the Wellbeing and Future Generations Act.
* Bullying and mental wellbeing. On these issues (which I see as closely connected) my team and I will be listening to children and young people’s experiences in our contemporary and fast-changing world, promoting best practice case examples, including those supporting whole-school approaches to promoting respectful relationships of all types. I am currently supporting a peer-led project on this led by Emma Renold of Cardiff University which will bring creative materials, devised by young people, to schools for their use. At a strategic level I will still be keeping an eye on reforms on CAMHS to see if services improve as planned, especially concerning waiting lists.
* I will be promoting access to play, leisure and cultural activities – this may include working with museums, musicians, libraries and sports groups to spread best practice in opening up access to those less likely to participate.
* Transitions to adulthood. This is raised consistently with me in relation to young people requiring health and social support. In the first year I will be working on the experiences of care leavers.
* I will be doing a specific project on Islamophobia, following feedback last year from some young Muslim people over the last year that they think this is a growing problem that is affecting their lives.

In addition to this project-based work, my team will of course continue to respond to breaches of rights identified in our case work service, respond to policy issues as they arise and continue to listen to children through our participation work.

Luckily there is considerable overlap between my work priorities and the Concluding Observations of the UN Committee on the Rights of the Child. It is not all luck of course, as both are based on evidence from children and young people, NGOs and the four UK Commissioners.

The UN Concluding Observations, published today, also raise additional important issues to those I have already mentioned. These include the age of criminal responsibility, restraint in youth custody, the lack of a Youth Parliament in Wales, concerns about how we respond to and provide for children who have been sexually abused, the independence of commissioners, and much more.

I hope the new Children’s Minister (known as the Cabinet Secretary for Communities and Children) will try to get a much more holistic and co-ordinated response to children across government. I hope to support him in steering through legislation providing equal protection to children from physical punishment. I will continue to press government to improve the rights of children and young people electively educated at home. I hope to work with the National Assembly and support young people to secure a national democratic platform in the form of a Youth Senedd and I would like to see the new National Curriculum to embed children’s rights.

Those are a short list of things that we can ‘tick off’ and say that they have been achieved. Achieving change in two big areas is going to be much more complex and slow. These are, improving mental health and wellbeing, and reducing inequality – especially income inequality. There are no quick fixes on mental health. I welcome the fact that the additional funding for CAMHS last year is year on year – but there are social and cultural changes regarding how we support our children and young people to cope with modern life’s pressures (and also the need to think about reducing those pressures).

On poverty, it is true that many of the levers for this are at a UK and European/global level, but there *is* work that the Welsh Government can do to mitigate benefit and tax credit changes. It can also alleviate some of the impact of poverty in terms of housing, reducing energy bills through insulation and subsiding child care and travel.

So there is a lot to do. I expect my first meeting with the new Cabinet Secretary for Communities and Children next week to have a packed agenda!

I have a very privileged and enjoyable job. The most important people to hold me to account for whether I carry out that job properly are the children and young people of Wales. I have six years left in my term of office. I look forward to collaborating with children and young people and adults like yourselves, who care passionately about children’s rights, over the next six years to try to change some of those attitudes to children’s rights that I described earlier, so that children and young people are increasingly seen as rights-bearing citizens of Wales.

Diolch am ddod, diolch am wrando a dwi’n hapus i ateb cwestiynau nawr.