

Recommendations for the children act 2004



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The Children Act 2004 created the office of " Children's Commissioner". If you were to be appointed to this office, which changes and innovations would you propose to the law and policy relating to children and the family to ensure that your function is fulfilled? How would you justify such changes and innovations?

Introduction

The Children Act 2004 ^[1] was the product of a Government consultation exercise informed by the publication of the *Every Child Matters* ^[2] Green Paper which was drawn up to complement the Government's formal response to the Victoria Climbié[©], Inquiry Report. ^[3] The Act provided for the establishment of the post of Children's Commissioner to ensure a voice and lobbyist for children and young people at a national level. The current incumbent of this post is Professor Al Aynsley-Green.

Section 2 of the Children Act stipulates that the Commissioner's role will be to promote awareness of the interests and views of children and young adults up to the age of 20 including those in care or with learning disabilities. The Commissioner is also empowered to hold inquiries - on direction by the Secretary of State or on his own initiative - into cases of individual children with wider policy relevance

This paper makes various proposals aimed at improving the current regime of law, policy and administration concerning the welfare of children and vulnerable young adults in the United Kingdom. ^[4]

Bullying in Schools

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Bullying is a serious issue and something that affects the life of almost every child at one point or another in their time at school. It is also an issue for adult society, given that bullies sometimes take their habits into later life and that victims may harbour profound emotional scars long after they grow up.

Bullying is consistently highlighted as a key concern, if not the paramount concern, in surveys of children. ^[5] As such it is submitted that proposals for action in this field would be warmly welcomed. The recent Anti-Bullying Week, which was coordinated by Professor Aynsley-Green, received considerable media attention and attracted the support of high profile media and sporting celebrities such as David Beckham. This indicates that there is widespread support for advances in policy in this area and this is significant because the likelihood of a proposal's successful adoption and implementation is an important criterion in deciding which suggestions to put forward for consideration.

Some shocking incidents have recently increased the momentum behind calls for innovative and progressive enhancement of society's response to the problem of bullying. In November 2005 Natasha Jackman, aged 15, was attacked by three girls at a school in Surrey. ^[6] One of the girls used a pair of scissors to attack Natasha, stabbing her in the eye and face. It transpired that Natasha had been the victim of prolonged and concerted bullying at school. It is submitted that tough new intervention in this field is necessary *before* the situation escalates into one where a terrible incident such as one that occurred in this case takes place. Even more serious are the suicides of

schoolchildren who are driven to a final act of desperation after being victimised by other children in classrooms and playgrounds. ^[7] If given the opportunity outlined in the title to this paper this commentator would make a *proactive* and effective anti-bullying policy a top priority for immediate action.

In particular the following reforms are recommended:

(a) A senior member of teaching staff at every primary and secondary school should be appointed as bullying surveillance officer. This position should be recognised and incorporated within the workload of the staff concerned, allowing sufficient time for the fulfilment of this duty and the role should be subject to external quality assessment, just as teaching is.

(b) External speakers should be engaged to address children on bullying at school assembly. These should include authority figures such as police officers (who can explain the criminal consequences of such action), adult victims of bullying who can relate the experiences and the impact bullying had on them with force and even celebrities and notable figures could be enlisted to tour schools and offer influential advice. Professional footballer Rio Ferdinand recently starred in an anti-bullying television campaign ^[8] and it should be possible to gather together a sizeable team of prominent people who could participate in a scheme that would grab the attention of pupils and speak to them at their level.

(c) Specialist bullying mediators should be appointed to local education areas with appropriate skills and experience and a dedicated remit to deal

with bullying both at school and in the homes of victims and perpetrators alike. It is argued that teachers simply don't have the training to conduct such sensitive work and negotiation and the matter is too serious to be left to concerned amateurs, no matter how much classroom experience they may have.

(d) Pupils at all levels should be required to sign an anti-bullying pledge which emphasises that acquiescence in the face of bullying is an act that will itself attract punitive sanction under the school's disciplinary code. Almost all of us will remember witnessing bullying, often sustaining bullying, of particular children from our schooldays, and almost all of us will probably regret failing to intervene to assist at the time.

(e) School disciplinary mechanisms should deal sharply with any incidents of bullying, imposing stern and escalating punishments including suspension and possible exclusion and involving parents at an early stage. Moreover, the victims of bullying must be effectively protected in the process. There is anecdotal evidence to suggest that teachers sometimes prefer to deal with the complaints of one set of parents of a bullied child, rather than tackle four or five sets of parents of the bullies themselves. This is an appalling state of affairs and one that must be brought to an end forthwith.

(f) A peer mentoring system should be introduced nationwide, to offer the victims of bullying the opportunity to speak with respected older children who have undergone training. Occasionally victims will be intimidated by the prospect of complaining to a teacher or even a parent. The other advantage of this suggested scheme is that peer mentors will typically have a better

grasp of ‘ ground-level’ activities and politics within a school than the most well- informed teachers. A range of incentives could be offered for participation in this scheme, and volunteering might prove especially attractive to older students with one eye on character references for work and university.

(g) A comprehensive national education and advertising campaign should be launched to back up these reforms. If sustained, such a campaign is capable of producing an attitudinal shift in society from one of generally passive acquiescence to one of intolerance and proactive intervention. Thirty years ago car seatbelts were considered an annoyance at worst and an optional extra at best, however a concerted campaign shifted opinions to such an extent that for most people riding in a car without a seatbelt is now unthinkable just a generation later. Public campaigns have proved equally successful in such fields as passive smoking and there is no reason why a properly funded and lengthy anti-bullying campaign could not produce a similar seismic shift in our collective attitude to the activity.

Better coordination, clarified responsibilities, increased funding

This commentator would make it a priority to *bash heads together* (ie. encourage better liaison and cooperation) among local authorities and key agencies to improve the service that they collectively provide to children. At present too many children either fall through the cracks in the system or have pressing needs overlooked because the division of responsibilities between different agencies and bodies is unclear, piecemeal and patchy. Perhaps the best and most notorious example of this problem is the

appalling case of Victoria Climbié, the inquiry into which presented shocking findings suggesting poor communication and coordination between responsible agencies.

Moreover the general scarcity of resources dictates that it is often difficult for agencies to extend themselves beyond their own traditional spheres of activity in cases which may merit such action. It should surely be a priority in any general programme of reform to support child welfare professionals, be they working in the social services, police, education or health services, in an effort to work together more effectively, share information to identify difficulties and concerns, and provide the appropriate assistance more efficiently.

To this end the creation of universal national database holding all information relevant to children and young people and the interests that concern them is recommended. It is time to exploit fully the exponentially growing power of technology in a way that is beneficial to children. A policy aimed at improved integration and enhanced cooperation must also entail measures to ensure better and clearer accountability for children's services. For too long children have suffered from ambiguities in this crucial area. It is contended that concrete accountability in particular should perhaps be the ultimate aim of any proposed reform. Public and professional accountability is without doubt the best way to guarantee diligence in any office.

This clutch of proposals must go hand in hand with concerted lobbying for more funds from Government. Quality costs - that is something that every parent understands on an individual level in respect to the care of their own

children and it is something that the community should be susceptible to accept on a collective basis for the nation's young. It is submitted that such a funding priority should prove more popular with the electorate than almost any other drain on the public purse. In simple terms, it can only be a vote winner for a Government beset with criticism over funding of such endeavours as the Iraq War and it chimes with the overarching policy of comprehensive, all-inclusive care endorsed by the Beveridge report ^[9] which founded the welfare state.

Child Health and Welfare

It is proposed that new policies are implemented to address specific problems that affect the health and well-being of the nation's youth. While some apparent progress has been made in other sections of society it is a damning fact that smoking rates are actually on the increase among children, in particular girls. ^[10] Approximately sixteen per cent of girls currently smoke, compared to around twelve per cent of boys.

More than half of all children, male and female have consumed alcohol and a significant number are regular drinkers. Perhaps more startling is the fact that around seventeen per cent of children have abused solvents and a similar proportion have taken drugs, such as cannabis.

Around twelve per cent of children claim to be sexually active or at least to have had sexual experience. Married to this statistic is the fact that the United Kingdom is top of the European league table for teenage pregnancy.

Another concern for the health and well-being of the nation's children is linked to dwindling participation rates in physical activity, both in and out of school hours, and to the point that standards of nutrition are negatively affected by the high and increasing consumption of convenience foods, fast foods, carbonated drinks and sweets. Girls have slightly healthier nutritional tastes than boys on average but sweets and sugary drinks are consumed at around twice the rate of fresh fruit and vegetables on a meal by meal basis.

In isolation every one of the above statistics is a cause for serious concern. When viewed collectively it is submitted that these facts present a startling picture which demands immediate and concerted attention. If this commentator was to be appointed Children's Commissioner a basket of policies would be recommended to improve the health and welfare of the nation's children. Proposals would include restrictions on advertising, tax measures designed to reward (rather than punish as is the case today) healthy dietary choices, and hard hitting campaigns educating about the risks of drug and substance abuse. It is hard to argue that the age for smoking should be increased above sixteen, given that a person can get married or join the army and fight and die for his or her country at that age. However, the sale of cigarettes to minors should be more rigorously detected and punished and general measures to deter smoking in the adult population would reduce both the number of role models and exposure to passive smoke in the home and community. In terms of sexual health, a policy leaning away from permissive rights to emphasise more strongly responsibilities and risks would be advocated and a more open and

accessible sexual education programme, such as that successfully employed at Scandinavian schools would be suggested.

Concluding Comments

A society can be judged by the way in which it treats its most vulnerable citizens. The office of Children's Commissioner carries the heavy burden of safeguarding and furthering the interests of the nation's youth, which is the nation's future, and as such it is a function that must be carried out with commitment, verve and vigour. It is submitted that the proposals set out in this short paper would, if implemented, attract popular support and therefore access to funding and improve the lot of children nationwide. Moreover, at first and indeed second sight it is hard to conceive of any cogent argument against the concerted pursuit of such objectives. As such these proposals merit serious consideration for prompt and wholehearted adoption.

THE ENDWORD COUNT: 2298 (excluding footnotes - bullying was given particular emphasis as requested)

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[secondary_school_children. asp](http://www.statistics.gov.uk/ssd/surveys/survey_smoking_drinking_drug_use_among_secondary_school_children.asp)

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Footnotes

[1] The Act received Royal Assent on 15th November 2004.

[2] See: [http://www. literacytrust. org.](http://www.literacytrust.org.uk/socialinclusion/youngpeople/greenpaper.html)

[uk/socialinclusion/youngpeople/greenpaper. html](http://www.literacytrust.org.uk/socialinclusion/youngpeople/greenpaper.html)

[3] See: [http://www. victoria-climbié-inquiry. org. uk/finreport/summary-report. pdf.](http://www.victoria-climbié-inquiry.org.uk/finreport/summary-report.pdf)

[4] Although it is noted that there is a separate Commissioner for each national jurisdiction within the United Kingdom.

[5] The BBC television programme *Newsround* provides an online forum on bullying. [http://news. bbc. co. uk/cbbcnews/hi/specials/bullying/default. stm.](http://news.bbc.co.uk/cbbcnews/hi/specials/bullying/default.stm)

[6] *Bullied Girl Stabbed with Scissors* : [http://www. timesonline. co. uk/article/0,, 2-1868635, 00. html.](http://www.timesonline.co.uk/article/0,,2-1868635,00.html)

[7] See: *Suicide ruling over bullied girl's death* , *The Scotsman* , 14 May 2005;
and, *inter alia* : http://www.tinotopia.com/log/archive/2002/03/26/bc_schoolgirl_bully_convicted.htm;

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[8] See: <http://www.spiked-online.com/Articles/0000000CA8E9.htm>.

[9] Report to Parliament on Social Insurance and Allied Services, (Cmd. 6404)

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[10] See: [http://www.statistics.gov.uk/ssd/surveys/survey_smoking_drinking_drug_use_among_secondary_school](http://www.statistics.gov.uk/ssd/surveys/survey_smoking_drinking_drug_use_among_secondary_school_children.asp)

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