

From: Caine, Daphne (MHK)
Sent: 25 April 2018 11:26
To: Chief Minister
Cc: Thomas, Chris (MHK)
Subject: RE: Revised Terms of Reference - Isle of Man Children's Champion

Dear Chief Minister

I am grateful for the opportunity to comment on the revised terms of reference for the post of Children's Champion.

It concerns me greatly that the post will be restricted to looked after and vulnerable children.

The current terms of reference state:

"To listen to and represent the best interests of children and young people living, working, or learning in the Isle of Man by taking consideration of the United Nations Convention on the Rights of the Child (UNCRC).

"To promote the values and principles of the UNCRC to all elected representatives and children and young people in the Isle of Man. This will be achieved by giving due consideration of the UNCRC in Government policies, strategies and decision-making."

The original (2009) role description also includes these lines:

- To ensure the post of Children and Young People's Champion has a high profile across all communities, across all Departments of Government and in third and private sector agencies providing services to children and young people
- To assist children and young people to engage with the Isle of Man Government by providing signposting support to the appropriate elected representatives or Isle of Man services, whether statutory, third or private sector provided on issues identified by them.

These appear to give effect to all the articles of the [UNCRC](#) . Moreover, they empower the Children's Champion to be proactive by using terms such as 'best interests', 'promote', 'signposting' and 'ensure' across 'all Departments'.

The revised terms, approved by Comin, state:

['To promote the rights of children, particularly those set out in the United Nations Convention on the Rights of the Child.'](#)

However, this is limited to '[vulnerable and looked after children](#)' and '[Meeting and communicating with representative groups of children as mentioned in section 2.4 above](#)' which suggests I should not take evidence from individuals. Further to this I am aware that reporting the various feedback and concerns in my annual report seems to have been difficult for

Ministers/departments and note Minister Cregeen's comment in Tynwald that his department welcomed challenge but did not like reports based on 'hearsay'.

Scrutiny is 'To remain objective, measured and impartial' which is also restrictive; if the Children's Champion (ChCh) must be completely impartial I cannot have an opinion and cannot criticise.

The following line I find equally concerning:

'To advocate accuracy in the collation and consideration of statistics, figures and data: drawing on the support and advice of relevant Departments, Boards and Offices as required so as to ensure reliability and robustness.'

Why is it the role of ChCh to advocate accuracy when that's a Data Protection requirement? This seems to ensure that the ChCh cannot publish statistics, figures or any data without first running them past relevant departments, boards and offices. I would fear any report I compiled would never see the light of day.

Finally, 'The Children's Champion has no authority to investigate service complaints.'

Supposing the complaint is that a family's human rights are being breached by a department, am I to say that is not in the remit? Also, while I would not intervene in a department's complaints process, would I be overstepping the new remit by listening to a complaint or writing to a department on their behalf. Also, what about complaints of lack of services or a lack of capacity in current services – are they also out of remit? It would appear so.

Unless the Children's Champion is able to oversee the whole of the UNCRC I fear the role of the Children's Champion would be rendered totally ineffectual. Certainly I would expect the public to be concerned that the Council of Ministers has restricted the role to looked after and vulnerable children and any such fundamental change should be reflected in the title.

You will be aware that looked after children have a Children's Rights Champion based in DHSC, remit attached. Public perception could be that looked after children have two champions and other children none.

I fear there could be a negative reaction from the community if the right of all children to access a champion is removed. Compare this narrowing of the remit with the expansive role of the Children's Commissioner in Jersey. Already her published key priorities following an island-wide survey are:

- Preventing bullying
- Having more places for children to play
- Providing more help for low income families
- Increase availability of mental health and wellbeing support

These could equally be valid for the Isle of Man.

- Play areas: I had intended to write to all local authorities and school councils about the provision of play equipment/leisure facilities across the island but I feel unable to mail out the drafted letter given the new restricted role.
- Mental health provision is a significant area of concern – particularly for tier 2 access, which would be out of remit.
- General services: the Chief Executive of the Department of Education, Sport and Culture, Professor Barr, disbanded the Children’s Services Partnership (CSP) at the end of last year, which concerned several of its members, me included. My intention was to reform a voluntary CSP involving key government officers and third sector contributors. I believe there is a need for such a body to inform the Social Policy and Children’s Committee about service provision for island children. But that would also be out of remit.

In summary I feel the revised role of Children’s Champion is too restrictive. I believe it would be untenable for me to continue, given recent meetings and correspondence with parents and young people concerning a range of issues spanning health to education plus leisure activities. I feel I could be a more effective champion for all island children by progressing concerns directly with departments and by referring matters to the Social Affairs Policy Review Committee. I feel this is actually a more efficient route rather than reporting annually to the Chief Minister. I acknowledge that vulnerable and looked after children merit special focus and a narrowing of the remit would enable the postholder to have a more manageable workload. But what about all the other children and parents who have contacted me? It is apparent that the job I did is not what Comin perceived the Children’s Champion role and responsibilities to be.

Therefore, with regret and after lengthy consideration, I feel I must step down from the role. I would rather be an untrammelled backbencher than a constrained champion.

I would appreciate a grace period of a couple of weeks in order that I can attend the next meeting of the Corporate Parenting Group on 14 May and inform them personally. This could be with my successor as Children’s Champion if an appointment has been made.

Finally, I would urge Comin to consider whether the Isle of Man would benefit from a non political Children’s Commissioner in place of a Children’s Champion.

Yours sincerely

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