

SCOTTISH EXECUTIVE RESPONSE TO THE REPORT FROM THE EDUCATION, CULTURE AND SPORT COMMITTEE ON THE INQUIRY INTO THE NEED FOR A CHILDREN'S COMMISSIONER IN SCOTLAND

Introduction

1. This report is submitted by the Scottish Executive in response to the Report from the Education, Culture and Sport Committee on the Inquiry into the Need for a Children's Commissioner in Scotland.

Background

2. Sam Galbraith, the then Minister for Children and Education, asked the Education, Culture and Sport Committee in January 2000 to consider the possible establishment of a Children's Commissioner. The Committee agreed to consider the matter and asked the Executive to provide a memorandum containing further information. The memorandum, which was submitted in May 2000, identified key issues for consideration notably what added value the establishment of a Children's Commissioner would bring and whether a Commissioner would help to protect children's rights and promote their interests.

3. The Executive has now received the Committee's Report of their Inquiry into the Need for a Children's Commissioner in Scotland, which was published on 14 February, recommending the establishment of a Commissioner for Children and Young People.

Children's Commissioner

4. The Scottish Executive is committed to improving the quality of life for Scotland's children and defeating child poverty. The Scottish Executive has already set out in the Social Justice Report . . . *a Scotland where everyone matters* and in the *Programme for Government* its vision of:

- A Scotland where every child matters, where every child, regardless of its family background, has the best possible start in life.

5. The First Minister has made it clear that children are at the heart of the Executive's agenda. He has established a Cabinet Sub-Committee on Children's Services. The Cabinet Committee will build upon the work of the Action Team on Better Integrated Children's Services and consider how best to integrate policy, funding and delivery of children's services throughout Scotland to ensure that every child has the best opportunities to prosper. The Changing Children's Services Fund is a catalyst for change in enabling local authorities, health boards and voluntary organisations to deliver better outcomes for the most vulnerable and deprived children through more effective and integrated service delivery. A Commissioner for Children and Young People could provide an important way of maintaining the impetus for change and press the case for significant improvement in the delivery of better integrated children's services.

6. There is an unacceptable gap between those who succeed and those who fall behind. Those who fall behind are predominantly those whose background is already marked by exclusion and deprivation. Pathways to poverty and social exclusion are often set early in life and differences in health and social development are all too evident by the age of only

one or two. By the age of 3 some children are already better placed than others to benefit from available opportunities. Children from disadvantaged backgrounds suffer a range of lasting problems: poor educational performance, more contact with police and a wider range of health problems – all of which will impact on their adult lives. Ministers are committed to closing that gap. A Children's Commissioner could help to provide a voice for the most vulnerable and deprived children in Scotland and help to raise the profile of child poverty issues. A Children's Commissioner could make a real difference to the lives of children and young people.

Ministers accept that there is a good case in principle for the establishment of a Commissioner for Children and Young People.

7. We understand that the Committee plan to produce a Second Report which will further detail the role, remit and powers of a Commissioner for Children and Young People. There is a significant amount of work still to be done in clarifying these issues in order to ensure that the Commissioner is able to add real value to existing systems and mechanisms. Careful consideration needs to be given to the exact role and remit of a Commissioner, in particular any proposal that would involve the Commissioner dealing with the UK Government on any reserved matter. There is a need to examine the implications for other statutory and voluntary bodies that currently undertake functions that might overlap with or link with those of a Commissioner. Given the range of issues still to be clarified, and the importance of ensuring that any post created will make a positive difference to the lives of children and young people in Scotland, the Executive will give very careful consideration to the detail of these proposals once they are available. We appreciate the Committee's desire to introduce early legislation but it is important to ensure that the focus is on establishing a Commissioner that can make a positive difference to the lives of children and young people. The Executive will reach a final view on the Committee's proposals once the full details are available.

Consultation with Young People

8. The Education, Culture and Sport Committee have stressed the importance of involving children and young people throughout Scotland and, if a Commissioner were to be established, ensuring that its work is informed by children and young people. The Executive considers that young people should have the right to be consulted on all issues that concern them and have a unique perspective which is of real benefit to decision makers. Being active in the democratic process when young can raise self-esteem and encourage a fuller, more active citizenship throughout life. The Executive has stressed the importance of consulting children in children's services plans and has provided practical tools to enable this to happen effectively.

Voluntary Sector Funding

9. The Education, Culture and Sport Committee have suggested that the Executive should consider additional funding for those services which advise children and young people of their rights and assist them in exercising those rights and those organisations whose work promotes a positive profile in society for children and young people. The Executive welcomes the focus on empowering children and young people and has provided support to voluntary and statutory organisations to facilitate this process.

10. The voluntary sector has an important role to play in achieving better outcomes for children and young people. The Scottish Executive is fully committed to supporting the voluntary sector. It provides funding of around £39 million directly to the voluntary sector and a further £304 million indirectly through its Agencies and NDPBs (2001—02 figures). The Executive will consider the Committee's comments in the context of the strategic review of funding for the voluntary sector. Last year, the Scottish Executive issued a consultation paper reviewing the principles and processes by which the Executive directly makes available funding to the voluntary sector. Ministers are currently considering the Executive's response to the consultation and we expect to publish the response in May. Scottish Ministers have committed themselves to a further, strategic review of funding for the voluntary sector, a review that will look not just at the Executive's own funding but at the funding provided by other public funders in Agencies, NDPBs and local government. This work will commence shortly.

11. However, it is important to note that there is a high level of demand for Executive funding from the voluntary sector and inevitably increased grants to some organisations will limit our capacity to support other children's organisations. If a Commissioner is to be appointed there will be additional costs associated with that appointment which we will need to meet. A Commissioner for Children and Young People could replicate a number of functions for which other bodies already receive public funding and it may make sense to examine funding for existing bodies, including voluntary sector bodies, to ensure that none of it is being duplicated and to identify gaps. The Committee's views will be considered and fed into the discussions about funding in the forthcoming spending review.

Conclusion

12. The Executive welcomes the Report from the Education, Culture and Sport Committee on the Need for a Children's Commissioner in Scotland. Ministers accept in principle the case for the establishment of a Commissioner for Children and Young People who could make a real difference to the lives of children and young people. However, they recognise that a substantial amount of work needs to be done to work up the detailed policy proposals. The Executive looks forward to considering and commenting upon those more detailed proposals in due course. Ministers will then be in a position to take a firm view on the role, remit and powers of a Commissioner and the timing of any associated legislation.