Evaluating the Children’s Commissioner for Wales: 
Report of a Participatory Research Study*

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Abstract
This article reports the results of an evaluation of the Children’s Commissioner for Wales, which was planned and conducted with the active participation of children and young people. This article begins by giving the background to the evaluation and explaining the methods used. The findings are reported in relation to five key questions: (i) how well the Commissioner’s office engages with children and young people; (ii) how much children and young people know about the Commissioner; (iii) what impact the Commissioner is having on policy and services for children and young people in Wales; (iv) how effective is the individual advice and support service; (v) whether the Commissioner has lived up to expectations. The article concludes with recommendations for the future development of the Commissioner’s Office.

Keywords
Children’s Commissioner; Ombudsperson; participatory research; Wales

Introduction
This article reports the results of an evaluation of the Children’s Commissioner for Wales which was carried out between 2005 and 2008. The research was

* The research was funded by the Children’s Commissioner, with additional support from the European Social Fund via the Children and Young People’s Participation Consortium. The principal investigator was Nigel Thomas, based at Swansea University until August 2007 and then at the University of Central Lancashire. Day-to-day project management was by Mandy Cook at Swansea University. Sara Reid was the Assistant Commissioner responsible for the contract, and the principal link between the Commissioner’s office and the research team. We are grateful to all those who supported the research, including those who agreed to be interviewed and the schools who took part in the survey. We also acknowledge the contributions to the research group made by Lisa Michael, Jamie Richards, Jay Griffiths, Joe Williams, Katie Spendiff, Helen Cubberley (young people) and by Darren Bird, Richard Powell, Mike Jenkins and Jan Weaver (adult supporters).
planned and conducted with the active participation of children and young people. We believe that this is, perhaps surprisingly, the first systematic evaluation of a Children's Commissioner or Ombudsperson anywhere in Europe, or indeed the world, and certainly the first to be undertaken in partnership with children and young people.

In the following section we explain the context of the evaluation and the historical background. We then explain the methods we used in the evaluation, and report our findings in relation to five key questions. This is followed by a summary of our evaluation of the Children's Commissioner and of the Commissioner's response to our recommendations.

The Children’s Commissioner for Wales

Norway was the first country to establish an Ombudsman for Children, in 1981. Although the Scandinavian countries had a tradition of such offices, intended to safeguard the rights of citizens against the government, a representative for children was a new development, and for more than a decade the Norwegian example remained unique. Following the adoption by the United Nations of the Convention on the Rights of the Child in 1989, other countries began to follow Norway’s example, beginning with Sweden in 1993. Now many countries have Children’s Commissioners or Ombudspersons, particularly in Europe, but also in the Pacific, Latin America and elsewhere.¹ The European Network of Ombudspeople for Children (ENOC) was set up in 1997 to link offices for children in different countries. Full membership is open to institutions in the Council of Europe countries which have been established in law to protect and promote children’s rights, and which meet specified criteria of independence. The aim of ENOC is for all institutions to comply fully with the ‘Paris principles’ adopted by the United Nations in 1993.²

In the UK, people had campaigned for a Children’s Commissioner for many years without success, but a campaign for Wales to have its own Children’s Commissioner had grown in strength with the vote for devolution in 1997 and the establishment of the National Assembly in 1999. A decisive impetus came from the Waterhouse Inquiry into historic abuse in North Wales children’s homes, which showed how children and young people had not been listened to when they complained about their treatment. The report of the inquiry made a major impact, in particular its first recommendation which read simply ‘An independent Children’s Commissioner for Wales should be appointed’ (Waterhouse, 2000). At that time a bill was going through Parliament that would become The

¹ See Gran and Aliberti (2003).
Care Standards Act 2000, the main purpose of which was to regulate standards in care homes for children and adults. Keen to respond quickly to the Waterhouse report, the Assembly and its Ministers persuaded the UK government to add further sections to the bill that would create a Children’s Commissioner for Wales. The duties of the proposed Commissioner related mainly to children and young people in care, reflecting the scope of the particular legislation. As soon as the Care Standards Act was passed, the post of Children’s Commissioner was advertised. A committee of the National Assembly made the appointment, with children and young people taking an active part in the process and in the decision. Peter Clarke, at the time head of Childline Cymru, was appointed and took up his post on 1st March 2001. At this point his powers and duties were initially limited to those in the Care Standards Act. However, the campaign for a Commissioner to champion the rights of all children and young people in Wales had continued, and the Children’s Commissioner for Wales Act 2001 extended the powers and duties of the new Commissioner to encompass all children and young people and all matters relating to them that were devolved to the National Assembly, with more limited powers in relation to non-devolved matters. Regulations under the Act were agreed by the National Assembly in July, and the Act and Regulations came into force on 26th August 2001.

The powers and duties of the Commissioner are thus located in several pieces of legislation, which must be read with cross-reference to each other. They can be summarised in broad terms as follows.

i) The Care Standards Act (Part V) gave the Children’s Commissioner the following powers in relation to children in various forms of out-of-home care: to review and monitor the operation of arrangements for dealing with complaints or representations; to examine the cases of particular children; to assist children in making complaints or representations; to give advice and information. These powers were later extended by the Children Act 2004, enabling the Commissioner to enter premises to interview children.

ii) The Children’s Commissioner for Wales Act set out the main duties of the Commissioner as they now stand. It extended the powers under the Care Standards Act to include a wider range of agencies providing education or health care for children and young people. More fundamentally, it widened the scope of the Commissioner’s functions to include any child ordinarily resident in Wales, or for whom services are provided by the Assembly or other public body in Wales, and stated that the principal aim of the Commissioner is ‘to safeguard and promote the rights and welfare’ of those children. This included a power to review the effect on children of any exercise (or proposed exercise) of the Assembly’s powers, or of the functions of the other bodies listed. Finally, the Act gave the Commissioner power to ‘consider, and make representations to the Assembly about, any matter affecting the rights or welfare of children in Wales.’
iii) The Children’s Commissioner for Wales Regulations 2001 spelled out in more detail how the above powers should be exercised. In particular, they gave the Commissioner power to require the provision of information and the attendance of witnesses. The Regulations also added duties on the Commissioner to ensure that children are made aware of the location of the Commissioner’s offices, encouraged to communicate with the Commissioner, provided with information in a suitable form, their views sought on the Commissioner’s work programme, and that the Commissioner and staff make themselves available to children locally.

The creation of the Children’s Commissioner for Wales was succeeded over the next four years by similar appointments in the rest of Britain and Ireland. The Northern Ireland Commissioner for Children and Young People was established in 2003, Scotland’s Commissioner for Children and Young People in 2004, an Ombudsman for Children in Ireland also in 2004, and finally the Children’s Commissioner for England in 2005. In Northern Ireland and Scotland the Commissioners have broadly similar powers to the Welsh office (with some important variations – for example, the Scottish Commissioner does not have power to intervene in individual cases). The English Commissioner is somewhat different from the others, and apparently has not been able to join ENOC as a full member because the office does not meet the required standard of independence. There are also some unresolved issues over the respective responsibilities of the English and other Commissioners, in particular the Welsh Commissioner, in relation to non-devolved matters. Notwithstanding these difficulties, the five Commissioners in the Isles meet on a regular basis (as BINOCC) in addition to their meetings through ENOC, and the four UK Commissioners work together on a wide range of policy issues, as do their teams at various levels.

**Methods Used in the Evaluation**

The research was commissioned by Peter Clarke, who was keen for young people to participate as much as possible in the evaluation of his Office. In the event the research was largely planned and conducted by a group of young people, working together with professional researchers. The young people were involved from the outset of the project, and the majority remained involved throughout the three years of the evaluation. They were recruited from young people’s networks across South Wales, and included care leavers and members of local youth councils. At the start of the research there were fifteen young researchers aged between 12 and 20 (average age 16), of whom ten remained with the project at the end of the three years.

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51 Williams (2005); see also Gran and Patterson (2005).
The process of undertaking this project as participatory research is discussed elsewhere. Our focus here is on the specific methods used to conduct the evaluation.

We took as our starting point the Commissioner’s functions as set out in the statutes and regulations referred to above. We grouped these under the following headings:

- ‘Communicating’: ensure that children and young people are aware of the existence of the Commissioner, what his job is, where his offices are and how they can communicate with the Commissioner and his staff; ensure that children and young people are aware of their rights (including the United Nations Convention on the Rights of the Child); encourage children and young people to communicate with the Commissioner and his staff; ensure that public bodies in Wales are aware of the rights of children and young people.
- ‘Consulting’: seek the views of children and young people on how the Commissioner should exercise his functions and the content of his annual work programme.
- ‘Complaints and advocacy’: review and monitor arrangements for complaints, advocacy and ‘whistleblowing’, to ensure they are effective in safeguarding and promoting the rights and welfare of children and young people.
- ‘Policies and services’: review and monitor the effect on children and young people of what the National Assembly does and what other bodies in Wales do; consider and make representations to the National Assembly about any matter affecting the rights and welfare of children and young people in Wales.
- ‘Making inquiries’: examine cases of particular children and young people who receive services from public bodies in Wales.
- ‘Advice and support’: provide advice, representation or assistance to a child or young person in making a complaint to a service provider or bringing a case (if the matter is relevant to the rights and welfare of children and young people in Wales); give advice and information.

We looked at all these tasks of the Commissioner, and asked ourselves the following questions in respect of each task: What do we need to know to evaluate whether this is being done successfully? How can we find the information we need in order to do this?

Initially this resulted in a very ambitious plan, well beyond the limits of what could be undertaken with the resources available to the research team. We therefore prioritised a group of key questions and methods which we were able to address with the resources we had.

1. How well does the Commissioner’s office engage with children and young people? This was addressed through a ‘tracking’ exercise where we observed...
the team at work with groups of children and young people, by evaluating materials produced by the office for children and young people, and through a mini-survey with the young people’s advisory group set up by the Commissioner’s office during the life of the project.

2. How much do children and young people know about the Commissioner? This was addressed directly through a large school-based survey of children and young people, which we carried out twice during the life of the project, and which was designed to be repeated in the future.

3. What impact is the Commissioner having on policy and services for children and young people in Wales? This was addressed mainly through a programme of interviews with ‘stakeholders’ (people whose work might be expected to bring them into contact with the Commissioner’s office, or on whose work the Commissioner might be expected to have an impact), and also through an exploratory analysis of records of policy work at the Commissioner’s office.

4. How effective is the advice and support service? This was to be addressed through interviews with a sample of children and young people who had received help from the Commissioner’s office, and through analysis of the data on this service kept by the Commissioner’s office. In the event it was not possible to establish an acceptable way to do this work, and we had to rely instead on publicly available information and also on our interviews with stakeholders.

5. Has the Commissioner lived up to expectations? This was addressed specifically through a series of interviews with ‘key players’ – people who were involved in the decision to have a Children’s Commissioner, or who for other reasons might be expected to have an overview of his work in the first seven years.

The most substantial parts of the research were the school-based survey and the interviews with stakeholders. However, the picture we formed of the work of the Children’s Commissioner and its relationship to other provision for children and young people in Wales was the product of ‘triangulation’ from all the different methods used to generate data. Analysis was conducted as much as possible on a group basis, reflecting together and discussing our emerging findings within the research team, and also with members of the Commissioner’s staff. In the following sections we explain the process, and report the results, of each component of the research, before presenting our evaluation.

The Commissioner’s Engagement with Children and Young People

We liaised with the Commissioner’s communications and participation team over their work programme, and selected dates and events when they were working
with different groups of young people. We devised a ‘tracking form’ that we could use to record and evaluate our observations. Research team members observed 11 events during 2006, and two further events subsequently. This included workshops for children and young people in schools, groups for young carers and looked after children, annual consultation events, and the advisory group. Most events were led by members of the participation and communication team, but other staff were also involved in some of the events.

Observers rated the work in terms of communication with children and young people and age-appropriateness, on a scale from 1-4. Scores were relatively consistent, averaging 3.3 for communication and 2.8 for age-appropriateness. The lower score for the latter perhaps reflects the fact that most of the events were aimed at a wide age range. Comments made by observers were that the team always engaged with children and young people effectively, especially the younger ones, and that this had improved further over time. At some of the larger events there were questions about the clarity of purpose, and in particular whether clear messages were understood by the children and young people attending.

During the second year of the project the Commissioner’s first young people’s advisory group was established, and one member of our steering group was also appointed to this group. She used this opportunity to invite the other members of the advisory group to complete two rounds of questionnaires, at an early and late stage in their 18-month term of membership. The consultation showed that members enjoyed the group and valued the opportunity to influence the workings of the Commissioner’s office. They felt that their views were influential, and some of them could offer evidence of this. During the period of our research, the Commissioner’s team also developed the ‘Ambassadors’ project, designed to strengthen the team’s links with children in primary schools. We did not evaluate this project directly, although we were aware of it as it developed.

As noted above, we also evaluated materials produced by the office for children and young people. A small group of young people from the research team evaluated the following selection of materials: an information poster (pre-2005); a leaflet (‘Who, What, Why, How’, 2006); a leaflet and wallet card (‘Your Voice Your Choice’, 2007); the Ambassador Pack for under 11s (2007); and a USB flash drive containing information about the Commissioner (2008). The group rated the materials against these questions:

- Is it ‘young person friendly’ in presentation?
- Does it say who the CCFW is and what they do?
- Is the language ‘child and young person friendly’?
- Does it contain lots of jargon?
- Are the graphics appropriate for the target audience?

All the materials were evaluated as being ‘young person friendly’ in presentation, particularly the more recent ones. The content was evaluated as clear in all
the materials except for the ‘Your Voice Your Choice’ leaflet and wallet card. The language was considered appropriate in all the materials except for the poster. The layout and graphics were evaluated negatively in the earlier items, but very positively in the more recent ones.

**Children and Young People’s Knowledge of the Commissioner**

We wanted to learn about children and young people’s awareness and understanding of the Commissioner in a way that could be measured with some accuracy and compared across time and place, and to establish a baseline that would enable change to be detected in the future. We decided that the most systematic way to do this would be through the school system. This would enable us to contact a large number who would be representative of children and young people across Wales. We decided to survey 7-16 year olds (Years 3-11). We invited all local education authorities in Wales to assist with the survey, and eight agreed to do so. In each authority we identified a ‘virtual school’ comprised of class groups from Year 3 to Year 11 in different schools across the area, to reflect as far as possible the different social characteristics of the area.

In order to put the measures of children and young people’s awareness of the Commissioner in a broader context, we asked about children’s understanding of their rights, adapting questions from surveys in the Netherlands (Kinderrechtencollectief, 1999, 2002) to allow cross-national comparison. We also asked pupils if they recognised a selection of logos of both children’s rights and commercial organisations. We designed the questionnaire to look colourful and interesting, and to fit on a single sheet of A4 – English on one side and Welsh on the other. In order to give something back to children and young people who took part in the survey, we produced a fully bilingual information pack on children’s rights to give to each pupil who completed a questionnaire; this included a summary of the United Nations Convention on the Rights of the Child, and leaflets about the Children’s Commissioner and the other organisations. We suggested to class teachers that they might wish to use the questionnaire and information pack to stimulate class discussion or lead into a lesson.

The survey was first undertaken in the school year 2006-7, and again in 2007-8. In 2006-7 we sent the survey packs to 72 school classes in the eight areas; 62 sets of questionnaires were returned. In 2007-8 we sent the packs again to these 62 classes (which now all had new pupils, because it was a new school year); 53 sets were returned. In the first year 1373 questionnaires were returned in total, and in the second year 1155. The results generally showed a high degree of consistency between the two years of the survey, which gives us some confidence in the reliability and validity of the method. Figure 1 shows the response in each school year.
Figure 1. Questionnaire response in each school year.
‘Brand’ Recognition

Participants were asked ‘Can you say what each of these pictures stand for?’ (Figure 2).

![Brand logos used in questionnaire.](image)

The numbers who correctly identified each ‘brand’ are in Table 1.

<table>
<thead>
<tr>
<th>Logo</th>
<th>2006-7</th>
<th>%</th>
<th>2007-8</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>A (Nike)</td>
<td>1231</td>
<td>90</td>
<td>994</td>
<td>86</td>
</tr>
<tr>
<td>B (Save the Children)</td>
<td>93</td>
<td>7</td>
<td>98</td>
<td>9</td>
</tr>
<tr>
<td>C (McDonalds)</td>
<td>1333</td>
<td>97</td>
<td>1097</td>
<td>95</td>
</tr>
<tr>
<td>D (Children’s Commissioner)</td>
<td>57</td>
<td>4</td>
<td>56</td>
<td>5</td>
</tr>
<tr>
<td>E (Childline)</td>
<td>583</td>
<td>42</td>
<td>581</td>
<td>50</td>
</tr>
<tr>
<td>F (Funky Dragon)</td>
<td>56</td>
<td>4</td>
<td>98</td>
<td>9</td>
</tr>
</tbody>
</table>

Analysis of the results by school year group shows that recognition of McDonalds was very high from Year 3, and of Nike from Year 4, while Childline (a widely-promoted confidential helpline) had good recognition from Year 5. The other children’s organisations, including the Commissioner, had little recognition before Year 7, the first year of secondary school.4

4 Funky Dragon (2007b) also conducted a logo recognition exercise in primary schools which included the Children’s Commissioner and Childline. They found that 77% recognised the Childline logo and 22% recognised the Commissioner’s logo. This contrasts dramatically with our results for the same age group: 18% of our participants in years 3-6 correctly identified the Childline logo (17% in 2006 and 19% in 2007), and fewer than 1% correctly identified the Commissioner’s logo in either year. Our sample was admittedly smaller (620 in 2006 and 512 in 2007 from eight local authorities, compared with Funky Dragon’s 2525 from 22 local authorities); but the fact that the survey was repeated in successive years with very similar results suggests a good level of reliability and validity. The fact that Funky Dragon’s results were obtained in open class discussion may help to explain the much higher levels of recognition in that study.
Figure 3. Awareness of children’s rights, by school year.
AWARENESS OF RIGHTS

Participants were asked ‘Did you know that children have rights?’ A substantial majority said yes (59% in 2006-7 and 60% in 2007-8). Figure 3 shows the proportions in each school year.

When asked ‘what rights do you think children have?’, nearly half gave examples (49% in 2006-7, 47% in 2007-8). Examples given fell into the following categories:

a) Food and water, warmth and shelter, being looked after, staying healthy;

b) Education;

c) Free speech, having an opinion, being heard;

d) Freedom, respect, equality;

e) Being safe, not being bullied, abused or hit;

f) Play, fun and friends.

Table 2 shows how often each type of rights was mentioned, in each year of the survey.

Table 2. Examples of rights offered in school survey

<table>
<thead>
<tr>
<th>Category of rights</th>
<th>2006-7</th>
<th>2007-8</th>
</tr>
</thead>
<tbody>
<tr>
<td>Health and wellbeing</td>
<td>219</td>
<td>193</td>
</tr>
<tr>
<td>Education</td>
<td>181</td>
<td>186</td>
</tr>
<tr>
<td>Speak and be heard</td>
<td>156</td>
<td>114</td>
</tr>
<tr>
<td>Freedom and respect</td>
<td>145</td>
<td>104</td>
</tr>
<tr>
<td>Not being hurt</td>
<td>102</td>
<td>95</td>
</tr>
<tr>
<td>Play, fun and friends</td>
<td>82</td>
<td>63</td>
</tr>
</tbody>
</table>

Note: Some participants gave more than one example.

Participants were also asked ‘Did you know that there is a United Nations Convention on the Rights of the Child? Just under a third said yes (31% in 2006-7, 30% in 2007-8), and also ticked one or more boxes in response to the question ‘how did you know?’ Figure 4 shows the responses in each school year, and Table 3 summarises the answers to the second part of the question.

5) This response contrasts to the widely-reported finding by Funky Dragon, in a survey conducted during the same period, that only 8% of young people had heard of the United Nations Convention on the Rights of the Child. In fact it appears that the question actually asked was ‘Has the UNCRC ever been explained to you in school?’ (Funky Dragon, 2007a: 27). Our results for the same age group (school years 7-11), aggregating the two years of our survey, were that 12.3% ‘had heard of’ the UNCRC in school. However, as Table 3 shows, similar numbers indicated that they had heard
Figure 4. Awareness of the UNCRC, by school year.
Table 3. Sources of awareness of the UNCRC in school survey

<table>
<thead>
<tr>
<th>How did you know about the UNCRC?</th>
<th>2006-7</th>
<th>2007-8</th>
</tr>
</thead>
<tbody>
<tr>
<td>School</td>
<td>154</td>
<td>126</td>
</tr>
<tr>
<td>TV</td>
<td>146</td>
<td>107</td>
</tr>
<tr>
<td>Internet</td>
<td>143</td>
<td>84</td>
</tr>
<tr>
<td>Newspaper</td>
<td>104</td>
<td>89</td>
</tr>
<tr>
<td>Magazine</td>
<td>96</td>
<td>69</td>
</tr>
<tr>
<td>Friends</td>
<td>70</td>
<td>49</td>
</tr>
<tr>
<td>Library</td>
<td>46</td>
<td>27</td>
</tr>
<tr>
<td>Family</td>
<td>17</td>
<td>25</td>
</tr>
<tr>
<td>youth groups</td>
<td>15</td>
<td>9</td>
</tr>
</tbody>
</table>

Awareness of the Children’s Commissioner

Participants were asked ‘Have you heard of the Children’s Commissioner for Wales?’ In 2006-7 13% said ‘yes’, and in 2007-8 8% said ‘yes’. Figure 5 shows the proportion in each school year.

It is not clear why this particular response should have declined in the second year of the survey. Various hypotheses were put forward, including a decline in media coverage during the absence caused by the Commissioner’s illness, or changes in patterns of the promotional work undertaken by the Commissioner’s team in schools across Wales, but it was not possible to test these and they remain speculative.

Most of the young people who responded affirmatively also answered the question ‘Can you tell us something about what he and his team do?’ The most common responses are shown in Table 4.

Participants were asked ‘Can you suggest ways in which the Commissioner and his team could make their work better known amongst all children and young people?’ Most young people responded to this – 61% in the first year and 55% in the second year. The most popular suggestions were school visits, TV, posters and advertising, and the internet. There were lots of other ideas, such as a newsletter to schools, meeting school councils, and making a cartoon.

of it from television, the internet or the press, and smaller numbers mentioned friends, family, youth groups and libraries as sources of information. Of the 1423 pupils in this age group who took part in our survey over the two years, 448 (31.5%) indicated that they knew that there was a United Nations Convention on the Rights of the Child. Of course, this response does not in itself tell us anything about the quality of information available to children and young people.
Figure 5. Awareness of the Children’s Commissioner, by school year.
Table 4. Perceptions of the Commissioner’s work in school survey

<table>
<thead>
<tr>
<th>Keywords</th>
<th>2006-7</th>
<th>%</th>
<th>2007-8</th>
<th>%</th>
</tr>
</thead>
<tbody>
<tr>
<td>‘Rights’</td>
<td>60</td>
<td>48</td>
<td>24</td>
<td>40</td>
</tr>
<tr>
<td>‘Helping children’</td>
<td>52</td>
<td>41</td>
<td>25</td>
<td>42</td>
</tr>
<tr>
<td>‘Schools’ or education</td>
<td>32</td>
<td>25</td>
<td>10</td>
<td>17</td>
</tr>
<tr>
<td>All responses</td>
<td>126</td>
<td>100</td>
<td>60</td>
<td>100</td>
</tr>
</tbody>
</table>

The Commissioner’s Impact on Policy and Services

Responses from ‘Stakeholder’ Interviews

Of 67 personnel interviewed, nine were from social services, eight from education, seven from health, five from children and young people’s partnerships, five from legal settings, four from youth offending teams and four who worked with young people’s forums and assemblies. The remaining 25 were from non-governmental organisations (NGOs), and can be subdivided in terms of primary activity – 10 providing direct services, seven focused on co-ordination and campaigning, six offering advocacy and two specifically for play.

Participants generally saw the Commissioner as an advocate, a champion or a voice for children and young people. Most said that the Commissioner’s team had an impact on their work. Most thought that there had been improvements for children and young people in Wales, and that these were at least in part attributable to the Commissioner’s office. ‘The Children’s Commissioner is the trailblazer’ was a not untypical comment. Other participants drew attention to ways in which life had improved for some children and young people, but had got worse for others who were poor or in other ways marginalised. Participants wanted the office to do more to increase awareness of the Commissioner’s work, especially among children and young people and among professionals.

Participants’ views as to what should be the Commissioner’s top priorities were varied. The most common responses either emphasised children and young people having a voice, or looked for a strong focus on marginalised groups (including looked after children). Some participants picked out health and welfare (including mental health), or safeguarding and protection. Others wanted the office to prioritise working with agencies to change practice; still others mentioned education, rights, the status of children and young people, and poverty.

Most participants had had some direct contact with the Commissioner’s office, usually through individual cases or through attending conferences, meetings and other events. In general participants said that they found the Commissioner’s team easy to deal with. When asked if they were aware of any particular projects that the Children’s Commissioner had undertaken, 22 participants mentioned
one or both of the major reports on complaints and advocacy ‘Telling Concerns’ and ‘Children Don’t Complain’, 20 mentioned the Clywch report and 16 mentioned the report on school toilets ‘Lifting the Lid’.6

Many participants considered that the team were effective and determined in following through on recommendations, and many could give examples where the work of their own organisation had been influenced by the Commissioner’s work. At the same time participants did not think that in general organisations in Wales were good at putting into practice the Commissioner’s recommendations. There was a commonly expressed view that good policies were made but that the results did not filter down into practice. There was also a view that consciousness of the Commissioner tended to be higher at senior levels in organisations than it was at the practitioner level.

A majority of participants were unsure how effective the team was at ensuring that children and young people know how to contact them, and a smaller number took the view that this was not effectively done. The overwhelming majority considered this to be a very important aspect of the Commissioner’s work. On the other hand, some participants thought the team were very good at asking children for their views and allowing them to influence plans, although again most were unsure. Participants frequently indicated that they themselves were unclear about the Commissioner’s role or felt uninformed about the work of the team. Some participants argued strongly that a different location for the Commissioner’s office(s) might help in making the organisation more visible. Some professionals asked if there could be a regular electronic newsletter to which they could subscribe, to learn what the office currently is working on and forthcoming events, so that they could feed in views or find out about reports that have been published.

Many participants pointed out that there were key issues, which the Commissioner’s office had taken up publicly from an earlier stage, where there was still little evidence of problems being effectively addressed. Frequently given examples were child poverty, child and adolescent mental health services (CAMHS), advocacy and school toilets (although some respondents from

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6 Children’s Commissioner for Wales (2003a, 2004a, 2004b, 2005a). In October 2001 John Owen took his own life shortly before he was due to stand trial for serious sexual and other offences against children and young people, committed over a period of years when he was employed as a drama teacher. The following month Peter Clarke announced his intention to use his statutory powers to hold an Inquiry into the case. The case was a high profile one, raising serious questions about how schools and local education authorities dealt with complaints from children and young people. The Clywch (‘Listen’) Inquiry commenced in March 2002, just as the Commissioner’s key staff were taking up their posts. The public hearings concluded in November 2003, and the report was published in June 2004. During that period the Inquiry commanded a high level of public attention, as well as having a significant impact on the Commissioner’s workload.
particular local authorities thought that the school toilet campaign had made a real difference. A significant number of participants commented that the Commissioner’s office had paid insufficient attention to the needs of looked after children. In relation to the attention paid to other disadvantaged groups, such as refugees or disabled children, views varied with participants’ experiences of the team’s work and their own priorities. A number of stakeholders expressed a wish for more opportunities to work collaboratively with the Commissioner’s office on issues with children and young people.

Many interview participants commented favourably on cases where the Commissioner’s intervention had produced an effective outcome for children and young people. At the same time many participants questioned the purpose of the advice and support service. There appears to be a common perception, particularly among advocacy providers, that the service provided by the Commissioner’s office tends to duplicate that provided by other agencies, rather than offering something distinctively different. All interview participants were asked whether they thought the team maintained the right balance between (a) individual case work and (b) general advocacy for children. While in the stakeholder interviews the majority of participants were unable to make a clear judgement on this issue, those who did feel able to judge tended to the view that there was an overemphasis on individual casework. Some participants suggested that there was a potential if not actual conflict of interest between the Commissioner’s role in monitoring the quality of advocacy provision and a role in providing a service directly, arguing at least for a clear and distinctive definition of the purpose of this service. In relation to the Clywch Inquiry, whilst on the whole those interviewed agreed that it was right that there had been an inquiry, some questioned whether it was a good use of the Commissioner’s time and resources, particularly at a crucial stage in the establishment of the office.

Participants’ Understanding of the Commissioner’s Role

We re-read the interview transcripts looking specifically at the degree of confidence which participants expressed in their understanding of the Commissioner’s work, and rated this using a five-point scale where ‘1’ denotes little knowledge and ‘5’ indicates a confident understanding. The results show a very wide variation, which appears to correspond to participants’ professional role, as shown in Table 5.

Results from Study of Policy Documents

Our study of the Commissioner’s policy documents enabled us to see clearly the very wide range of work in which the office has been engaged, from major inquiries such as the two studies of arrangements for responding to children’s complaints
This last should not arise in Wales, because the Commissioner is supposedly independent of government, but it may be a useful category for comparison with other offices.

Table 5. Understanding of the Commissioner’s work in stakeholder interviews

<table>
<thead>
<tr>
<th>Professional group</th>
<th>Average score</th>
</tr>
</thead>
<tbody>
<tr>
<td>NGO – Advocacy (6)</td>
<td>5</td>
</tr>
<tr>
<td>Legal (5)</td>
<td>4.2</td>
</tr>
<tr>
<td>Health (7)</td>
<td>3.86</td>
</tr>
<tr>
<td>Children’s Partnerships (5)</td>
<td>3.6</td>
</tr>
<tr>
<td>NGO – Play (2)</td>
<td>3.5</td>
</tr>
<tr>
<td>NGO – Campaigning (7)</td>
<td>3.43</td>
</tr>
<tr>
<td>Education (8)</td>
<td>3.25</td>
</tr>
<tr>
<td>NGO – Service provision (10)</td>
<td>3.1</td>
</tr>
<tr>
<td>Social services (9)</td>
<td>2.55</td>
</tr>
<tr>
<td>Youth Forum / Assembly (4)</td>
<td>2.25</td>
</tr>
<tr>
<td>Youth Offending Teams (4)</td>
<td>2</td>
</tr>
</tbody>
</table>

in social services and education, to the work done on issues raised directly by children and young people such as bullying or the state of school toilets, to responses to consultations by government and other public bodies. We tried to understand the range of this work by examining it in terms of (a) where the policy issues came from and (b) what happened to them. It is apparent that policy issues arise in markedly different ways, and that the response of the office will be very different depending on how the issues arise and on the priority and importance perceived to attach to them.

Because of the number and range of demands on the Commissioner’s resources, and in particular because of the high volume of routine requests for responses to policy consultations, it seems important to try to understand how these decisions about priority are made and what the results are. We have suggested that policy issues could be characterised as: ‘inherited’ (issues that are on the Commissioner’s desk from the beginning, such as complaints); ‘adopted’ (issues that the Commissioner chooses to adopt as a priority); ‘child-led’ (issues that come directly from children and young people); ‘responsive’ (issues that the Commissioner chooses to take up at the request of someone else); ‘reactive’ (issues that demand, or get, an immediate reaction without prior reflection); ‘imposed’ (issues that the Commissioner is expressly required to take up).\(^7\) This is an exploratory classification, which we hope to develop further in the future. Table 6 shows how we used it to analyse a small sample of policy areas in which the commissioner has been engaged.

\(^7\) This last should not arise in Wales, because the Commissioner is supposedly independent of government, but it may be a useful category for comparison with other offices.
Table 6. Source of key policy issues and brief note of ‘impact’

<table>
<thead>
<tr>
<th>Issue</th>
<th>Source</th>
<th>Impact</th>
</tr>
</thead>
<tbody>
<tr>
<td>Advocacy, complaints and whistleblowing</td>
<td>Inherited</td>
<td>Considerable (new policy, guidance, statutory rights). Shape and location of service still subject to debate.</td>
</tr>
<tr>
<td>Abuse in schools (Clywed Inquiry)</td>
<td>Adopted</td>
<td>Substantial (series of circulars, new guidance and regulations). Majority of recommendations taken very seriously by government and by education services.</td>
</tr>
<tr>
<td>CAMHS</td>
<td>Adopted</td>
<td>Much discussion, limited progress in directing additional resources.</td>
</tr>
<tr>
<td>School toilets</td>
<td>Child-led</td>
<td>Variable (greater awareness, improvements in some areas, feedback from children suggests limited change in practice).</td>
</tr>
<tr>
<td>Bullying</td>
<td>Child-led</td>
<td>Variable (raised awareness, policies developed, feedback from children suggests limited change in practice).</td>
</tr>
<tr>
<td>School transport</td>
<td>Responsive</td>
<td>In progress (continuing discussions, new regulations expected).</td>
</tr>
<tr>
<td>‘Mosquito’ device</td>
<td>Responsive</td>
<td>Variable (raised awareness, live public issue) – other UK Commissioners have taken up issue.</td>
</tr>
</tbody>
</table>

Effectiveness of the Advice and Support Service

The Commissioner’s Annual Report (since 2005 Annual Review) includes a statistical summary of work done each year with individual cases.\(^8\) This record shows a steady increase in the volume of work each year since the Commissioner was first appointed. The overall numbers are shown in Table 7 and illustrated in Figure 6.

Table 7. Number of cases receiving advice and support, by year\(^9\)

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-2</td>
<td>112</td>
</tr>
<tr>
<td>2002-3</td>
<td>197</td>
</tr>
<tr>
<td>2003-4</td>
<td>250</td>
</tr>
<tr>
<td>2004-5</td>
<td>279</td>
</tr>
<tr>
<td>2005-6</td>
<td>566</td>
</tr>
<tr>
<td>2006-7</td>
<td>487</td>
</tr>
</tbody>
</table>

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\(^9\) The Annual Reports and Annual Reviews indicate that for the first four years these figures represent new referrals, whilst in 2005-6 and 2006-7 they appear to represent cases dealt with during the year (not necessarily new ones).
In other respects the profile of referrals does not appear to have changed much. The overwhelming majority are made by telephone or letter (with emails catching up), as shown in the following Table 8.

Table 8. Method of initial contact for referrals for advice and support, by year

<table>
<thead>
<tr>
<th>Year</th>
<th>% by telephone</th>
<th>% by letter</th>
<th>% by email</th>
<th>% in person</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-2</td>
<td>42</td>
<td>52</td>
<td>5</td>
<td>1</td>
</tr>
<tr>
<td>2002-3</td>
<td>71</td>
<td>22</td>
<td>6</td>
<td>1</td>
</tr>
<tr>
<td>2003-4</td>
<td>77</td>
<td>15</td>
<td>6</td>
<td>2</td>
</tr>
<tr>
<td>2004-5</td>
<td>64</td>
<td>26</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>2005-6</td>
<td>68</td>
<td>22</td>
<td>9</td>
<td>1</td>
</tr>
<tr>
<td>2006-7</td>
<td>69</td>
<td>18</td>
<td>12</td>
<td>1</td>
</tr>
</tbody>
</table>

The majority of referrals have consistently been made by parents, and a substantial proportion come from professionals, as shown in Table 9.

The proportion of referrals coming directly from children and young people has consistently remained below 10%, except for the very first year when it was higher. It has been suggested that it is unrealistic to expect younger children to refer themselves, but in fact a large majority of referrals relate to older children. A ‘freephone’ service was launched in May 2007 with considerable publicity, but it is not clear that this has made a difference to the number of children and young people contacting the Commissioner’s office directly.

According to the summaries given in successive Annual Reports and Reviews, matters of concern in referrals predominantly relate to education (including special needs) and to social services (including child protection). Family law issues, health care and bullying also feature strongly. Information on outcomes of referrals
Table 9. Source of initial contact for referrals for advice and support, by year<sup>10</sup>

<table>
<thead>
<tr>
<th>Year</th>
<th>Parent</th>
<th>Relative</th>
<th>Child</th>
<th>Carer</th>
<th>Professional</th>
<th>Public</th>
</tr>
</thead>
<tbody>
<tr>
<td>2001-02</td>
<td>45</td>
<td>3</td>
<td>21</td>
<td>8</td>
<td>14</td>
<td>2</td>
</tr>
<tr>
<td>2002-03</td>
<td>52</td>
<td>7</td>
<td>6</td>
<td>9</td>
<td>16</td>
<td>6</td>
</tr>
<tr>
<td>2003-04</td>
<td>55</td>
<td>11</td>
<td>7</td>
<td>5</td>
<td>14</td>
<td>8</td>
</tr>
<tr>
<td>2004-05</td>
<td>52</td>
<td>11</td>
<td>9</td>
<td>3</td>
<td>17</td>
<td>8</td>
</tr>
<tr>
<td>2005-06</td>
<td>56</td>
<td>8</td>
<td>5</td>
<td>7</td>
<td>18</td>
<td>6</td>
</tr>
<tr>
<td>2006-07</td>
<td>53</td>
<td>9</td>
<td>7</td>
<td>5</td>
<td>20</td>
<td>6</td>
</tr>
</tbody>
</table>

is not available on a consistent basis, and limitations of the information system means that it is not possible to relate data on outcomes to other characteristics of referrals. We understand that the information system is currently under review. These deficiencies, together with the failure to agree a protocol for case-based research, mean that we are unable to comment directly on the effectiveness of the advice and support service.

Whether the Commissioner Has Lived up to Expectations

Responses from ‘Key Player’ Interviews

We interviewed 13 people: three Assembly Members, from different party groups; a senior local government elected representative; two civil servants; a trade union leader (representing a relevant profession); a church leader and a political journalist, both of whom had taken a keen interest in the appointment and progress of the Commissioner; a judge who presided over a key inquiry; another UK Children’s Commissioner; a representative of ENOC; and a former member of the Commissioner’s staff. We were particularly keen to include in these interviews Government Ministers who had a role in the appointment of the Commissioner and in responding to the Commissioner’s reports and recommendations, but unfortunately this was not permitted; the First Minister took the view that it would not be proper for Ministers to take part in this way, because of the need to maintain independence.

Asked about their original expectations, nine participants said that they expected the Children’s Commissioner to be a champion for all children, while three had wanted someone who would give priority to looked after children. Six

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<sup>10</sup> In Table 9 ‘professional’ includes voluntary organisations and ‘public’ includes anonymous referrals. Figures for 2001-02 are estimated from a graph in the Annual Report, which uses actual numbers rather than percentages and is slightly difficult to read off.
additionally said that they looked for someone who would emphasise children’s voices. Asked whether the Commissioner had lived up to those expectations, five responded positively, three negatively and four with a mixed response.

In relation to the Commissioner’s engagement with children and young people, four were very positive, three more critical and others mixed or neutral. Most thought that our initial survey results indicated a serious problem, though some were not at all surprised at children and young people’s low level of awareness, and indeed saw it as further evidence of the need for a Children’s Commissioner.

When we asked whether enough attention was paid to children who are socially excluded, and then specifically to children who are looked after, responses were mixed. As to whether the team maintained the right balance between individual case work and general advocacy, responses were again mixed. Two participants thought that the balance was generally right, five were unsure, and five were critical – one wanted even more emphasis on individual casework, while four strongly felt that the office should be much more selective and strategic in its exercise of this function. In general participants considered that the team were persistent in following through their recommendations. In relation to how good organisations in Wales were at putting into effect the Commissioner’s recommendations, most responses were critical – some wholly negative, others mixed.

In general, participants considered that things had improved for children and young people in Wales as a result of the Commissioner. All said that there were ways in which the Commissioner could improve things further for children. Participants pointed to three aspects in particular: prioritising vulnerable and excluded groups (including looked after children); challenging and criticising government; raising the profile of the office and increasing the visibility of children and young people. Most considered that the profile and status of children and young people had been raised by the introduction of the Commissioner.

Asked if a particular project came to mind, ten responded with Clywch, two with school toilets, one with CAMHS, and three with consultation with children and young people (includes multiple responses). Some participants questioned whether it had been right to take on the Clywch Inquiry. When participants were asked what should be the Commissioner’s highest priority, four themes emerged: (a) deprivation, advocacy for the most vulnerable, and looked after children; (b) the UNCRC framework, safeguarding the rights and well-being of children; (c) listening to children and young people, speaking out on their behalf; (d) the profile and authority of the office, and ‘speaking out fearlessly’.

In respect of evaluation, most participants talked about more or less measurable outcomes: setting targets, how things have changed (e.g. school toilets), rights in general, monitoring of public bodies, engagement, participation, awareness of children and young people. Others simply said ‘ask children and young people’. Asked to say in one sentence what the work of the Commissioner meant to them,
most participants talked about a champion for children's rights and a pressure on government. Some focused specifically on vulnerable children.

**Evaluation of the Children's Commissioner**

Evaluating an institution such as the office of the Children's Commissioner for Wales is not simply a matter of asking whether a particular team of people are doing a good job or not. We are evaluating a particular model of Commissioner, in certain respects unique to Wales, and we are also evaluating the wider system in which it is set. The introduction of the Children's Commissioner was a substantial change to the existing arrangements for promoting rights and providing services for children and young people in Wales. Its success or failure depends on how effectively the office engages with the rest of the system, and on how well the other parts of the system adapt to the innovation. In the 'system' we include agencies of national and local government in Wales, public bodies, charities and non-governmental organisations that work to provide services for children and young people or to advocate for their rights. We also include government bodies at the UK and Europe levels, the press and broadcast media, churches and voluntary bodies, private businesses, clubs and societies. All these organisations, which are directly or indirectly concerned with children and young people or whose activities have an impact on them, have the potential for a relationship with the Children's Commissioner and the work of the office. All these organisations are themselves undergoing change, too. We illustrate this way of thinking about the Commissioner's office and its place in the system in Figure 7.

![Figure 7](image_url)

*Figure 7.* The Children's Commissioner as part of a system.
Awareness of the Commissioner

Our research confirmed that children and young people in Wales are not generally aware of the Children’s Commissioner or clear about the role. Among those aged 7-16, in our 2006 sample 4% correctly identified the Commissioner’s logo and 13% had heard of the Commissioner, and in 2007 5% correctly identified the logo but only 8% had heard of the Commissioner. This must be regarded as disappointing. Although we do not have comparable figures for other Commissioners in the UK, we suspect that they would also be low. We understand that in Norway, where the office of Ombudsman is very long-established, levels of awareness may be higher.

We need to ask what level of awareness it is realistic to expect or to aim for, and what needs to be done to achieve it. Clearly it would be wonderful if all children and young people knew about ‘their’ Commissioner, but this may not be achievable. It would certainly be desirable for awareness to be sufficiently widely spread that the knowledge was in children’s culture – so that, for example, every child probably had a friend who knew about the Commissioner. In times of trouble that might be a useful resource.

The Commissioner’s team have rightly made it a priority to get information to children and young people who are most vulnerable or likely to need help – information not just about the Commissioner but also more generally about their rights. We have not evaluated this work directly, but we have heard good accounts of it. However, what some call ‘hard to reach’ groups are unsurprisingly not always easy to reach, and their membership may be fluid. The team have also maintained a programme of visits to schools to raise awareness of the same issues. We have seen some of this work, and it is impressive. However, we calculate that with current staffing the team would probably be able to visit every class of pupils in Wales over a period of about a hundred years. Since pupils only spend ten to fifteen years at school, this cannot be a method for reaching everyone directly.

Children generally acquire information in one or more of these four ways (in no special order): from parents and family members; through the school curriculum; from the mass media; from other children. Children may also acquire information from professionals with whom they are in contact; this is less common for most children, but may be important for certain groups. A strategy for raising awareness of the Commissioner and of children’s rights must take account of all these processes. The Commissioner’s team is a small group of people with limited resources, and it is not realistic to expect them to ensure that children and young people across Wales are aware of the Commissioner. Other agencies – the Government, other public organisations, and the media – have the power and responsibility to do much more to inform children and young people about their rights, and about the organisations that are there to safeguard and promote their rights.
The UK Government and the Welsh Government both have responsibilities to inform children and young people, and their parents, about the United Nations Convention on the Rights of the Child (under Article 42). We would also argue that the primary responsibility for ensuring that children know about the Commissioner, as well as about their rights, rests with Government. They also have some potentially very effective ways in which to do this, as one of our ‘key player’ interviewees pointed out to us. First, there are key points at which the State makes contact with every child and family, such as birth registration and health and development checks, at which information could easily be passed on to parents of young children. Second, there is school, which almost every child attends on a regular basis, and the curriculum, which of course includes personal, social and citizenship education. It seems obvious that the school curriculum ought to incorporate learning around children’s rights, especially the UNCRC, and also good quality information about the Children’s Commissioner, for all children and young people and on a regular basis. The fact that few young people had heard about the UNCRC at school (clearly demonstrated both by our survey and by Funky Dragon’s research), and that even fewer had heard of the Commissioner, shows that this is not working at present.

Hospitals and health centres, social work agencies and other public organisations also have many opportunities to provide information to children and families. Professionals such as teachers, youth workers and social workers are a key link, and have a professional responsibility to inform themselves and to pass information on to children; and their employing agencies, and education and training providers, also have responsibilities in this regard. If children and young people do not know about the Commissioner, this is also a failure in this part of the system. We focus in this section on children and young people’s awareness of the Commissioner, but adult awareness is of course important in its own right as well as a potential source of information for children and young people. In this respect it is of concern that youth participation workers and social workers in our research showed relatively low levels of understanding of the Commissioner’s role.

As for the media, part of their job it is to provide accurate and useful information. We believe they therefore have a responsibility to report the Commissioner’s work responsibly, not to ignore or trivialise it (and not to be distracted by the fact that there is now a Children’s Commissioner in England who is much more visible to London-based media and who has a much bigger publicity budget, but who is actually of little relevance or use to children in Wales). During the period of our research there were examples of good practice by the press and broadcasters in this respect, but there were also some poor ones.

Impact on Policy and Services

In the long term the success of the Commissioner’s office may be judged principally on its impact on policy and services for children and young people – in part
because this reflects the key role common to all Children's Commissioners and 'ombudspersons'. The paradox, of course, is that it is notoriously difficult to attribute specific policy changes to the intervention of the Commissioner, when most changes are the result of a combination of different factors and when other important players may also be pressing for similar changes. Indeed, another Children's Commissioner made the point to us that an office may sometimes be reluctant to claim credit even when it appears to be due, from a desire to maintain friendly relationships with others.

It is clear that the work of the Commissioner's office to review and monitor policies and services for children and young people, and arrangements for dealing with their complaints, is a central part of what the whole team is there to do. Much of this work is based on key areas of activity that have been identified as continuing priorities, but there is also a great deal of regular input in the form of government initiatives, requests to respond to consultations, issues arising from the advice and support service, and so on. The work programme has to make space for this input to be considered, prioritised and acted on where appropriate, while still maintaining a focus on the key priority areas.

The limited evidence from our research is that the impact of much of this work in Wales has been considerable, certainly as perceived by many professionals and others. On the high-profile issues to which the Commissioner's team have devoted sustained effort, we found examples of very high impact but also instances of relatively low impact (Table 6). On the basis of the evaluation we have done, we cannot say confidently whether the policy team have succeeded in keeping sufficient focus on strategic issues while responding appropriately to other demands on their time. It is clear that they are aware of the need to do this, and that it underpins their approach. However, it is not clear that there is a systematic process for selecting policy issues for intervention according to agreed priorities. More evaluation in depth would give greater confidence on this point.

It is also clear that the team have been very consistent, and persistent, on some difficult issues with the Government. Many of those to whom we spoke gave them full credit for that. In many areas the Government have been highly responsive to the Commissioner's initiatives and have sought to work with the team collaboratively, although on some key issues (notably the reform of children's advocacy services) Ministers resisted the Commissioner's very strong recommendations as to what is needed to ensure an effective and independent service.

Individual Advice and Support

It is regrettable that we were not able to evaluate the advice and support service in the way that was originally envisaged. A key part of the original brief for the evaluation was to collect and analyse user feedback and evaluate effectiveness in relation to individual cases. Without agreement on a protocol for access to such cases, it was simply not possible for us to do this; although anecdotal evidence,
coupled with some responses in interviews, suggested that in many cases the team had been able to deliver results for children and young people.

We were also not able to use information directly from the Commissioner’s database to analyse patterns in the advice and support service, because of ethical issues and limitations in the database. We would have liked to have studied the relationships between source, response and outcome of referrals to the service, for example. Instead we had to rely on the limited information available in the Annual Reports and Reviews. This shows a steady rise in numbers of referrals, to a point where the Commissioner has been claimed to be a major provider of advocacy services in Wales. We would question whether this is desirable or appropriate. The view of many to whom we spoke is that it is not; and it was noticeable that many of those who were best informed about the Commissioner’s role and work were those who felt most strongly that the advice and support activity was tending to duplicate, and even compete with, other advocacy and complaints services, when it should be complementing them.

Points repeatedly made to us were that the advice and support activity of the Commissioner should be focused on picking up cases that had wider implications and drawing attention to those implications, picking up cases where other services had failed to get a result, and occasionally taking on cases where no adequate service was available, but drawing attention to these gaps rather than simply filling them. The widely held perception was that, rather than focusing on these priorities, the office was taking on routine advocacy and complaints work that should be provided by others, and also that some of this is provided as a service to parents rather than to children and young people. This may be an erroneous perception, but the fact that it is a perception widely held by other advocacy providers is in itself a problem which needs addressing.

Not all Children’s Commissioners have a power or duty to investigate or advise in individual cases; even within the UK there is variation in this respect. Our conclusion was that this element of the Commissioner’s role is widely seen as of crucial importance, but that there is work still to be done to ensure that its precise place, both in the Commissioner’s range of duties and the wider provision of advocacy services, is properly understood by all parties.

**Overall Comments**

It is difficult to summarise an evaluation that has looked at a very complex situation from so many different perspectives, and where there are still many gaps in our knowledge and understanding. If we say that the first seven years of the Children’s Commissioner for Wales have been a success in many important respects, but that there are issues that need to be addressed, that is surely news on a level with ‘dog bites man’. However, in some ways that was bound to be our
conclusion, and the interesting questions then are what are the successes, which are the aspects that need to be addressed, and what should be done.

The second thing we should say is that no one should underestimate the scale of the task of establishing an office of Children’s Commissioner, and the time and effort needed to get things right. To find oneself appointed as Children’s Commissioner, and immediately to face all the enormous expectations which many people have, while having to appoint a team and build an office from scratch, is a daunting undertaking. That has been so for all Children’s Commissioners in the UK, but was particularly so in Wales because Wales was the first.

The third thing to say is that the impact of undertaking a major inquiry so early in the term of office, followed by the first Commissioner’s illness and death, mean that this has not been a normal situation. Although the office has now been in existence for seven years, there were fewer than four years of a fully established office with a fully active Commissioner, and the first two of these years were dominated by a single inquiry. It could be argued that this means there have been barely two years of ‘normal’ functioning. From the point of view of the research, by the time we had assembled our steering group and completed our initial planning and design process, Peter Clarke was largely absent and the office was dealing with the uncertainty that created. We have therefore been studying the office through the most difficult period possible.

Notwithstanding all that, it is clear that the office has already become an indispensable part of the landscape, on which many people rely to speak up for the rights, the interests and the voices of children and young people in Wales. The Commissioner’s team have been extremely active in pursuing the key issues that were on the agenda when the office was set up, around complaints, whistleblowing and advocacy, and have made a major impact on that area of service provision – although there are still outstanding issues, as we noted above. They have also pursued a range of other policy issues, some raised directly by children and young people, with considerable effect. They have worked tirelessly to spread the message of children’s rights and the availability of help with problems, to the limit of their capacity. They have provided an expanding service of advice and support in individual cases, which has undoubtedly been helpful for some children and their families, although there remain questions about whether that service is serving the right objectives. They have taken on a major inquiry, conducted it in a way that commanded wide respect, and with recommendations which have had a very significant impact. They have also done much to raise the profile and status of children and young people in the community, and to demand respect for them as citizens with a contribution to make, rather than as ‘problems’.

That said, it seems to us that the office needs a clearer strategic direction. There are many expectations of the Commissioner, too many in some ways – both in the legislation and from the range of people who have issues which they think
should be at the top of the Commissioner’s list of priorities. It is simply not possible to meet them all, and a small team (in terms of staffing and budgets, comparable in size to an area social work team or a large primary school) but responsible for serving a whole country’s children, must be ruthlessly selective in what it takes on. It is likely that the organisation of the office into three strong functional divisions, especially when combined with the loss of the overall leader, has resulted in a tendency to try to pull in too many directions at once. This can only lead to frustration and disappointment.

In making strategic choices the systemic approach we have outlined here is an important one. The key question should be not how the Commissioner’s office can do all the things expected of it, but how the Commissioner’s office can best ‘add value’ to the whole system for promoting children and young people’s rights and well-being. What is distinctive about the Children’s Commissioner, in contrast to all the other organisations promoting children’s rights, is the range of statutory powers to intervene and require action. The focus of the strategic choices therefore should be on how those powers can be most effectively deployed in the interests of children and young people, and what is needed to support that.

There is also a responsibility on other actors in the system, many of whom clearly have very high expectations of the Commissioner, to consider how they can best contribute to the team’s work. ‘Ask not what the Children’s Commissioner can do for you, but what you can do for the Children’s Commissioner’ might be a good maxim. Although the Commissioner’s office is genuinely independent of Government in undertaking its functions, it is highly dependent on Government for its level of funding. In 2005 the office submitted an ambitious plan for development and expansion of its work, which would have required significant increases in funding in the years 2006-2009 (‘Strategic Vision: The Next Three Years’). The Government, which no doubt had good reasons for deciding not to fund this programme, must accept a share of responsibility if the Commissioner’s office is not able to do all that is expected of it. In this respect it is regrettable that, under the new arrangements for accountability following the Government of Wales Act 2006, the Commissioner’s budget is now set by the Government rather than by the National Assembly.

A final question on which we were not resolved is the vexed one of whether the Commissioner’s office, in all its activities, gives sufficient priority to the interests of children and young people who are ‘looked after’ in local authority care or accommodation. Many who contributed to our research thought that the team were doing a good job in that respect. Others strongly believed that they should do much more. In part this reflects the different expectations which people in Wales have of the Commissioner; there are those who were strongly committed to the Waterhouse agenda and saw the creation of the Commissioner as principally
a response to that, in contrast to others who see the Commissioner much more as a resource for all children.

**Conclusion**

The new Commissioner took office as we were completing the evaluation, and responded to it very positively. He asked us to provide a set of recommendations from our research. In our final report, delivered to the Commissioner in June 2008, we recommended:

1. An action plan to tackle low levels of awareness of the Commissioner among children and young people, including Government, the media, and other UK Commissioners.
2. An improved package of information for schools to introduce the Children’s Commissioner in the context of a programme of learning about rights and citizenship.
3. Continuation of the school-based survey, preferably on an annual basis, in order to track changes in levels of awareness among children and young people.
4. For organisations providing services for children and young people, or education and training for staff working with them, to consider how they can ensure that staff are well informed about the role of the Commissioner.
5. Further research to evaluate the impact of the Commissioner’s interventions in policy.
6. A positive decision to evaluate the Commissioner’s advice and support service, drawing on the perspective of the children and young people referred to it and looking systematically at outcomes of referrals.
7. A review of the function and purpose of the advice and support service, undertaken in collaboration with advocacy providers.
8. An extensive and thorough review of the functions of the Commissioner and the organisation of the office, with the aim of ensuring that all members and parts of the organisation have a shared understanding of their contribution to the common purpose and are working effectively together.
9. Consideration of establishing a small dedicated team to focus directly on the interests of looked after children and care leavers.
10. Consideration of locating the Commissioner’s offices in a city centre to be publicly visible and accessible to callers, especially children and young people who are dependent on public transport.

1) Thomas et al. (2008).
11. Consideration of changing the name of the office to include ‘young people’ as well as ‘children’.

All these recommendations were accepted in principle by the Commissioner, the majority for immediate action and others for consideration in the future.\footnote{\input{footnote}} Soon after the report was delivered an organisational review was set in train, the need for this having already been recognised in the Commissioner’s office. A formal report by the Commissioner to the National Assembly Children and Young People Committee in November 2008 set out a plan for taking this forward, and also for responding expressly to the suggestion in the evaluation that the office should be more visible (Towler, 2008).

In a newspaper column on New Year’s Day 2009, largely devoted to the impact of the evaluation on his work, the Commissioner suggested that our report had enabled him to ‘hit the deck running’ by highlighting the office’s strengths and indicating areas that need development. The most significant message, he suggested, was ‘the necessity to raise awareness of my role and the office among children, young people and adults.’ (Towler, 2009). The Commissioner clearly sees this as a critically important task for himself and his team. As we have argued, it is also a task for Government and civil society, including the media. Equally important, we argue, is the task of ensuring that the office of Children’s Commissioner makes a real difference to policies and services for children and young people, and to their lives. This is also a task not only for the Commissioner, but for government at all levels, and for civil society.

The model adopted in Wales is one that is particular to Wales, and the introduction of the Children’s Commissioner was widely supported in public life in Wales. In particular, there appears to be a widespread commitment (perhaps stronger than in some other countries) to the independence of the Commissioner from Government or other interference, to the Commissioner having a key role in ensuring that individual children are protected and have access to good advocacy, and to a wider role in asserting children’s rights to be respected and valued as persons. We hope that this commitment can provide a foundation on which

\footnote{\input{footnote}} We also supported the recommendations made by the Deputy Commissioner in October 2007 to the National Assembly for Wales for strengthening the powers and functions of the Commissioner (Children’s Commissioner for Wales, 2007a\textsuperscript{)}, in particular that the Commissioner should have a function of undertaking or commissioning research and educational activities, be under a duty to develop effective links with non-governmental organisations, and be under a duty to review the effectiveness of his powers and functions on a regular basis; and the recommendations of the UNCRC Monitoring Group (Croke and Crowley, 2007) that the Welsh Assembly should transfer the funding of the Children’s Commissioner from the Assembly Government to the National Assembly, and that the UK Government should introduce legislation to empower the Children’s Commissioner for Wales to investigate and comment on any matter affecting any child ordinarily living in Wales, thus bringing the office into line with the ‘Paris principles’.}
the Children's Commissioner for Wales becomes a truly effective champion for children and young people.

Our research has also demonstrated that it is possible to involve children and young people directly in evaluating the effectiveness of Children's Commissioners and Ombudspersons. Working together as a group with a wide range of skills, knowledge and life experience, we were able to sustain our enquiry over a period of three years and to examine different aspects of the Commissioner's work using a range of methods. Because it was important to make sure that all members of the group fully understood what we were doing, we had to use methods that were relatively simple and straightforward, but that in combination we think gave us a well-grounded, and rounded, view of the Commissioner's Office, from the perspective of the young people who the Commissioner is there to serve. No doubt the methods used in this study can be improved upon in the future, and indeed we hope that our experience will encourage others to make the attempt.

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