

Corporate Parenting in the Classroom

Bruce Adamson

Abstract

This speech by Bruce Adamson, Children and Young People’s Commissioner was delivered at the CELCIS Conference: ‘Corporate Parenting in the Classroom’ in March 2018. It sets out the relevant human rights framework and emphasises the international duties placed upon the State to uphold the rights of care experienced children and young people. Mr Adamson reflects on his recent experience at Care Day 2018 and highlights the voices of care experienced young people. The right to education to develop children and young people to their fullest and the support that needs to be put in place for children, young people and teachers to be able to focus on education. The Commissioner explains the role of his office in promoting and safeguarding rights, holding government to account, his particular remit for care experienced children and young people and his office’s collaborative work with corporate parents. He concludes with the crucial role of those who work in education to empower and support children and young people to defend their rights and the rights of others.

Keywords

Children's rights, corporate parenting, love, Scotland

Corresponding author:

Bruce Adamson, inbox@cypcs.org.uk

Bruce Adamson, Children and Young People's Commissioner was delivered at the CELCIS Conference: 'Corporate Parenting in the Classroom'

Thank you very much indeed for the invitation to address this important conference – it is a great pleasure to be here with you today. A lot of what's been said so far chimes closely with some of the work that I'm doing as Children's Commissioner.

Today I would like to talk a little bit about my role as Commissioner, spend some time talking about human rights and obligations to care experienced children and young people and about my reflections on working with care experienced children and young people from across Scotland.

I've got the best job in the world as Children and Young People's Commissioner. I get to spend a lot of time talking to children and young people across the country with different backgrounds and experiences and then I get to take those voices and experiences and take a rights-based approach to speaking to those in power to demand change on behalf of children and young people. It's a huge privilege and having been appointed in May 2017, I'm just coming to the end of my first year. I spent quite a lot of that first year going around the country and talking to children and young people and one of the things that's come across really clearly in some of those discussions are some of the issues that have been picked up already today.

Poverty is one of the issues that is of huge concern to children and young people of all ages in all parts of Scotland. And there is a link to care experience here and there's a strong link to the duties of corporate parents here which I know

you've already discussed. It is quite shocking that in a country as rich as Scotland we have such devastating levels of poverty and the impact that that has on so many of our children's ability to access their human rights.

Mental health is another issue that was raised really strongly across Scotland and by children at very young ages; their acute understanding being that not enough is being done in relation to mental health. I've had some interesting discussions around the role of parents and some of the misunderstandings that we need to break down around the human rights of children and young people and the role that parents have; that human rights isn't about the conflict between parents and children but rather about ensuring that parents, carers, families and communities are supported by the State to enable children and young people to access their rights.

One of the best things about my job is talking with and learning from children and young people. I was in the session today listening to some of the work going on in Clydebank and I thought this was an amazing example where you have got quite young children having a really deep understanding of human rights. Having a really deep understanding of what human rights means in their communities and actually going in and becoming human rights defenders, standing up for their own rights but also the rights of others. Children and young people acting as human rights defenders is going to be a key piece of my work over the next year or two. That is, the role of children and young people in standing up for the human rights of themselves and others.

Human Rights Framework

When I think about human rights and children, I like to go back to the basic principles of human rights and in my office in Edinburgh I've got on the wall just above my desk a copy of the charter of the United Nations and it begins with these words:

We the peoples of the United Nations determined to save succeeding generations from the scourge of war which twice in our lifetime has brought untold suffering to humanity. We reaffirm our faith in human dignity and fundamental rights

and they go on to commit, 'we as a global community to put in place the machinery, the laws, the policies to ensure that human rights are delivered' and 70 years ago when we collectively as a global community developed the Universal Declaration of Human Rights we said within that when we're setting out the fundamental principles of human rights to make the world a better place we said that childhood is special and children deserve special care and protection and as we developed the international framework for human rights over the next 70 years we've always placed special focus on the rights of children and young people. This isn't something we're just making up. This isn't something that's being imposed upon us but this is something that we as a global community, all of us agreed that those in power had to put children and young people first and that their rights had to be built into the framework of our law, policy and practice.

And when the global community created the United Nations Convention on the Rights of the Child, it brought together all the different rights of children and young people and it started with a premise that all children and young people should grow up in a family environment of 'happiness, love and understanding'. This international law that all but one country in the entire world has signed up to starts with the principle of love and that's one of the things when you're speak to care experienced children and young people that they say we are failing on. The number one word that you hear from care experienced children and young people is love; that's what they want, that's what they demand, and they've got a legal right to it.

So, we've got right back to the UN charter and the UN declaration 70 years ago this idea that childhood is special but also consistently that extra special within that group are care experienced children and young people. Article 20 of the Convention states that a child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

Then within Article 4 of the UN Convention on the Rights of the Child 'we commit those in power to applying money and law and policy to those ends'. So, this is that legal commitment that we're talking about. When we talk about the domestic legal framework around corporate parenting that's a useful illustration of the commitment, but the obligation goes back to the heart of the international legal framework. These are promises that already existed. The State was already a duty bearer with additional commitment to care experienced children and young people. Scotland's done some world-leading work on creating a domestic

legal structure to support that and to explain it, but the duty is as old as our international legal framework.

Care Day 2018

Last month I attended Care Day, a celebration run by Who Cares? Scotland bringing together children and young people from across Scotland with care experience; But also connecting to care experienced children and young people in four other countries across the world including my home country New Zealand via a Skype call. Care Day put a focus on bringing together those experiences to celebrate care identity but also to bring together those experiences in a way that would demand change. The whole day was very much lead by children and young people and there were some very powerful presentations from care experienced young people.

I would like to share with you part of one of the presentations given by Carmel Jacob, a young woman who has now gone on to great things and is training to be an educational psychologist. Carmel spoke about the impact that her care experience had on her time at school and the low expectations of her teachers.

Carmel has given me permission to quote from her directly:

"When I told my head of year teacher that I was dropping out of high school, her response was: 'well Carmel, I think that you have done really well considering.' When I told my Gran I was dropping out of high school, she looked at me with utter disgust. I said, 'Gran, my year teacher says I have done really well

considering;’ to which my Gran retorted in fury, ‘considering what?’”

And that really stuck with Carmel who as I say is a truly inspirational person both in education that she’s undertaken and the human rights defence work that she’s done and particularly in inspiring other young women. But really Carmel talked about this understanding of the idea that there were lower expectations for her than there were for other young people in her class and that really cuts to the heart of what we talk about in terms of education and the way in which the Convention on the Rights of the Child and also other international law talks about what education is for.

Right to Education

Two articles from the UN Convention on the Rights of the Child that are of particular significance to today’s Conference are articles 28 and 29. Article 28 recognises the right of the child to education and article 29 calls on the education of the child to be directed to ‘the development of the child’s personality, talents and mental and physical abilities to their fullest potential’.

Education should develop you as a human being. Education it not just reading and writing, maths, it is about developing you to the fullest potential and if you’ve got teachers lowering expectations based on care experience, these young people who we’ve got additional commitments to, something is going horribly wrong. Carmel concluded by saying her message to other care experienced young people was to:

“Believe in yourself and the own power that you have and the power of your own story and to recognise that in order to use that power effectively you need to own that story and own who you are. Through doing that, you never know what you will be capable of”.

This has been a consistent theme from children and young people with care experience that I’ve spoken to: this idea that others have lower expectations of them and rather than doing what we’re supposed to be doing as duty bearers, as corporate parents and putting additional support in place young people are telling us that they feel that expectations are lowered for them and that’s the wrong way around. We know that actually those that go through some of those difficult circumstances are some of the most resilient people. The support that’s needed and committed to by the State is important but the resilience and the problem solving and the personal strength and character that builds up through difficult circumstances are some of the most powerful assets that we can have as a society, but the failure is on the duty bearers to provide that support. Care experienced children and young people are demonstrably no less bright, no less capable than anyone else yet their educational attainment continues to give us cause for concern and some of the information given earlier this morning that around even at age five we can see some of those differences coming through, is something we need to address.

It’s important when we talk about educational attainment that we focus on what education is, and what it’s for. It’s not just about achievement in the classroom it’s about achieving potential and as broad a definition of education is incredibly important. We need to get better at celebrating some of the non-academic

educational achievements. But we know that in addition to fewer qualifications care experienced people tend to have poor attendance records, higher risk of exclusion, are less likely to go to positive employment, further education, and voluntary work. Also, there is a strong correlation between that experience and positive mental health or lack thereof as well as an impact on physical health as well. There's been a lot of discussion recently about adverse childhood experiences — and I think that some of the medical evidence and other evidence is really important — but the human rights framework has recognised this from its beginnings. The fact that human rights are interrelated and having had a good standard of living, having positive support for mental health are all intrinsically linked to education, access to employment and being able to participate in public life.

When I talk to care experienced children and young people, one of the things that often comes through really clearly in those that have had negative experiences are things like: multiple placements, the use of part time education rather than a full time education which is every child's right; More fundamentally than that, and this sits alongside that feeling of not feeling loved, is the feeling of not being listened to. This is a fundamental right that children and young people have, to be listened to and to be involved in decision making. When you hear the group of children and young people who we know that we have an additional obligation to and that we're supposed to be structuring the way in which we do things around that additional support, for them to be saying we don't feel listened to is a massive concern in human rights terms because that's one of the fundamental principles that we have to listen to children and young

people and involve them in decision making. And that is not happening at the moment.

Children and young people need to be part of the answer here. I'm sure many of you will know Kevin Browne who is a director at Who Cares? Scotland and who is care experience himself. Kevin has spoken publicly about his care experience and his journey of self-discovery to the point where as an adult he started to claim that care experience identity and began to talk about it.

Recently in an article for the Third Force News, Kevin reflected on his time at primary school and he said:

At primary school, lots of the people in my class dreamt of being astronauts, firefighters, footballers or teachers. I understood why. But I had been seeing the world from a very different lens since I could remember. I spent a lot of time thinking about how to improve the very world in which I was living. For 15 years, I grew up in care.

I think Kevin really cuts to the heart of the issue: if you've got children and young people who are sitting in the educational setting or who are not even in the educational setting, who are worried about being safe at home, who are worried about where they're going next week or next month. They don't have that stability and security. That's a denial of their right to education. The interlink between the obligation that we owe to care experienced young people particularly around ensuring things like safety, ensuring things like housing, have a direct link into the ability to access their right to education and that's why

it's really important that there's a focus and an understanding on supporting those other things as an issue of education.

And that cuts to the heart of what being a good corporate parent is in an educational setting. The reason I've been going on about the international framework is that while I think that the work that is happening in Scotland around corporate parenting and developing our understanding of it is really important, it sits within that broader framework. This isn't something we just invented recently with the recent legislation, these are duties that have always existed, and we just haven't been very good at acknowledging them. The domestic legislation around corporate parenting gives us a good framework; It does focus attention and it does focus minds and I think that a lot of corporate parents are learning and doing better and there's a lot of support based on research, but this isn't something we just invented recently. This is something that sits at the heart of what even at the beginning days of the human rights system was acknowledged as being essential for human rights.

We need to put in place the supports so that when children are in school they are able to focus on learning. And broader than that, the State needs to be putting in place the support so that teachers in the classroom can focus on teaching. One of the things that many of the teachers and head teachers and educationalists that I meet stress to me — and what I'm seeing when I visit schools — is the expanding role of teachers and the additional pressures being put on them to take on further responsibility and I've got real concerns about that. Not because they aren't capable; I see amazing practice all around the country of teachers going over and above but that's the problem, they shouldn't have to be going over and above the duties of a teacher and we need to put into

place additional support in school communities to allow for teaching to be about teaching.

The role of the office of Children and Young People's Commissioner

It's useful to mention that my office was created in 2003 following an Act of the Scottish Parliament. The concept of the Children's Commissioner goes back much earlier, right to the earliest days that I was talking about in the creation of the United Nations. Right back in the 1940s when they were creating the UN they were saying it's all very well that we put together this international legal framework and we set out all the things that states have to do to ensure the rights of people, but we need domestic mechanisms as well. We can't just rely on the international community to hold states to account by then coming every few years to report back to the UN. We need to create a domestic role that is empowered by statute, who have protected funding and who can hold the state to account at a domestic level. In the earliest days of the Scottish Parliament civil society including a number of people in this room were involved in a campaign to create a Children's Commissioner in Scotland. It was one of the few examples of a parliamentary committee sponsoring its own legislation. There is no link at all to the Scottish Government, the executive and it is entirely a creation of the legislature. I have this incredibly gifted position as that I'm pretty much impossible to sack. Appointed by the Queen, it would take two thirds of the members of the parliament to pass a motion based on cause that I was incompetent and to recommend that the Queen kicked me out of office. The reason that my role has got that protection is to allow me to hold the

government to account. So that's what the job is about, it's about holding government to account to the promises that they've made to the children and young people in Scotland.

My remit covers everyone in Scotland up to the age of 18 in terms of all of their human rights but it's extended to 21 for young people with care experience.

That's a reflection of that additional commitment that we owe to care experienced children and young people. There are other groups that I spend additional focus on, those rights are most at risk or where there are special obligations to, for example disabled children and young people, but care experience children and young people have a special place within my mandate.

My job is limited to one term of six years and that really focuses my mind and my attention on trying to work on the issues that others aren't working on and being able to say the things that others might find more difficult to say. An example of that is the age of criminal responsibility where I'm taking a very different view to the government position but also some parts of civil society in saying that raising the age of criminal responsibility from either, the lowest of any comparable country in the world to 12, equally the lowest of any comparable decent country in the world is not good enough and we need to raise it much higher. But also it's important to be able to reiterate that in terms of the role of corporate parents: it's great that we've brought in new legislation, it's great that we are learning and going on this journey and seeing fantastic practice all over the country. That's great but it's not enough. What's next? How do we push this further because the experience of children and young people across Scotland are telling me it's still not right and I think that a lot of that has been drawn out by discussions today.

Equally it's important to point out that my role is not a part of civil society. I've been lucky enough in my career to have worked in many different countries and I think Scotland is far and away the best in the world in terms of civil society organisations working with people for children and young people. I know that a lot of you either work for civil society organisations or work closely with them in your communities and schools. I don't think a lot of people in Scotland realise just how special it is in Scotland, just how vibrant and active and fantastic civil society is in Scotland. We're really lucky. But I'm not part of that kind of third sector; My job is to make the space for civil society organisations.

One of my best friends, whom I worked closely with whilst in Ukraine, has on his wall a brilliant picture of him standing in front a row of riot police officers who are heavily armed and he's got his hand on the chest of the commander of the riot police and behind him is a pride parade which they were trying to break up. The camera angle looks like he is holding off the forces of the state from the voice of the people. I don't get to that so much in Scotland; I don't have to create safe physical space so that you can meet freely and have discussions without state intervention but what I do need to do is focus on things like ensuring that civil society and communities and schools have funding and that when children and young people take on this responsibility of being human rights defenders who speak up about human rights, they are protected when they do that. And that manifests differently in Scotland to other places: That isn't going to be riot police, but it might be attacks on social media; it might be ostracism in the community; it might be the power imbalance; it might be funding. That's what needs protection.

Policy and practice

I think it is important to recognise that over the last 25 years there's been a lot of work around education of children with care experience and CELCIS has a vast amount of work invested in this and some really powerful world leading research has gone on in Scotland and successive governments have engaged with that through a number of major reports which you will be familiar with.

We have got lots of training and guidance for practitioners but one of the real challenges though is how you turn all of that into practice. We've got all of this training and guidance, we've got the research and we have invested a lot of time developing policy and practices. We've brought in legislative changes, yet I go around the country and talk to care experienced children and young people and they are talking about a lot of the same things that have been happening to them for a long time. I was very lucky to work for the first Children's Commissioner, Kathleen Marshall back when the office was established in 2004 and one of the pieces of work that we did quite early on was around the age of leaving care. It was a really powerful piece of work and one of the pieces of work I'm probably most proud of from that part of my career. And the things that children and young people talked about as they became older children was the pressures upon them to leave care before they were ready. It was powerful work and it did make an impact. In the intervening years, I worked elsewhere in the world but when I returned and took up this post of children and young people's commissioner I really did believe that in the last ten years there had been amazing progress in this issue.

Then I went to the Who Cares? summer camp a few weeks in to taking up the post and spent a number of days with care experienced young people across the country. They told me exactly the same stories. The very same stories we were hearing a decade before and I found it depressing. I also found it angered me but it was also inspiring in that what I think had changed was the children and young people's concept of their own identity. That positive and strong care experience identity is a really powerful mechanism for moving from law and policy, which I think we've invested a lot of time and we've done a lot of good work on, to actually being lead by the solutions put forward by the children and young people themselves. I think that is going to help us lead to practice change. These things don't change overnight. I appreciate that, and I've been absolutely inspired by what I've seen in schools particularly but also in informal educational settings across Scotland.

There are some amazing things going on but there is still a huge amount more to do. I think the corporate parenting statutory framework that's been put in place and the growing understanding of corporate parenting which is a duty which has always existed, is going right to the heart of the human rights framework but has manifested itself in recent domestic legislation in 2014. I think it is a powerful mechanism. I think the growing focus and understanding around what those corporate parenting duties obligations are is important and I'd like to highlight just two of them 1. 'being alert to matters which, or which might, adversely affect the wellbeing of looked after children and young people' and 2. 'promoting the interests of those children and young people'.

Again, these are human rights obligations that have always existed on duty bearers but what this focus empowers corporate parents and those working in

education to be saying actually this is part of the job and I think one of the things I want to be doing is strengthening the ability of those working directly with children and young people to go up to senior decision makers and to people that control the funding and say to them actually this is an obligation, you have to fund this properly.

I think the duty to collaborate is equally important and one of the things that my office has been doing is to help facilitate work with corporate parents. We have set up a corporate parenting facilitation group which has brought together a dozen or so different corporate parents to help share and develop practice and it includes organisations like the fire and rescue service and the SQA so it's quite a dynamic and interesting group and I'm really looking forward to seeing how that develops over time. The way in which we've approached that group is to always bring in care experienced children and young people to share a contribution to ensure that the work of the group is embedded in the experience of children and young people. We've had some of the Champs boards in and also separately I met with three young Inspectors from the Care Inspectorate. These Young Inspection Volunteers have been working on the development of a learning log book, so that they can have a place to record their learning, experience and skills while volunteering with the Care Inspectorate – a journal of real life examples they could take with them that can be used when going for interview for employment or further education. It is a terrific idea and they all told me how much their confidence has increased as a result of their participation. They've got a video online which I thoroughly recommend to all of you because I think it is really useful to watch and learn from their experiences.

Before I finish, I want to mention the Root and Branch Care review being lead by Fiona Duncan. I know you will all be very familiar with it. It's only just finished its discovery phase but already it's starting to make very clear recommendations for change. I also think it's a useful model about how you put children and young people's voices, stories and experiences in to the heart of decision-making and recommendations. I think that that's what this is about. When we go right back to what Kevin Browne said, and to what Carmel Jacob said and to what I hear across the country from children and young people with care experience. When they talk about feeling that they don't have that love, that they don't have that stability, that they are spending their time worried about where they are going up to school, where they are going next week, whether they are safe. And then we see very clearly in the statistics the consequences of low aspirations for them and low educational attainment, we are not helping them develop to their full potential. We know that something radically needs to be done

I'm absolutely inspired by what I saw downstairs this morning and the presentation from the school in Clydebank where Primary 7 children standing in the middle of town with a megaphone speaking about the sustainable development goals and what that means and going back to the Eleanor Roosevelt quote which I'm sure you are all aware about that human rights happens in the small places close to home and it happens with the small people. If you can get children and young people and care experienced children and young people understanding their rights, claiming their rights and then speaking up for their rights as human rights defenders and putting forward solutions, that's where the change is going to come from. The role that all of you play in

that in empowering them and giving them the tools to achieve this and in supporting them, I think, is one of the most inspirational things that you can do as teachers, educationalists and those that care about children and young people.

Thank you.

About the author

Bruce Adamson became the Children and Young People's Commissioner in Scotland in May 2017. The Commissioner's statutory duty is to promote and safeguard the human rights of everyone in Scotland under 18, or up to 21 if the child or young person has care experience. The Commissioner's office was set up by an Act of Parliament in 2003 and is fully independent of government.

Bruce is a lawyer with over 20 years of experience in children's rights.

A Member of the Children's Panel for 13 years, he has worked directly with vulnerable children and families, listening to their experiences, and making decisions on their safety and wellbeing. He is also the former Chair of the Scottish Child Law Centre.

Bruce has acted as an international expert for the Council of Europe, the European Union and the Organization for Security and Co-operation in Europe. Working in the Western Balkans and Ukraine he has worked to improve the lives of children in some of the most challenging situations in Europe.

Whilst working for the Scottish Human Rights Commission he was central to the development of law, policy and practice covering the broad spectrum of children's rights in Scotland.