

**The Children's Commissioner for England (CCE)  
(supported by the Office of the Children's Commissioner)**

<b>Basics</b>	<b>Web site</b>	<a href="https://www.childrenscommissioner.gov.uk/">https://www.childrenscommissioner.gov.uk/</a>
	<b>Geographical coverage</b>	England (with UK wide responsibility for 'reserved' areas where the UK Parliament retains power over devolved administrations)
<b>Constitutional Aspects</b>	<b>Legal Framework/Basis</b>	<p>The role of Children's Commissioner was created by the <b>Children Act 2004</b> and its mandate was further strengthened by the <b>Children and Families Act 2014</b>, which changed the primary function of the Commissioner from representing the views and interests of children and young people to promoting and protecting children's rights. (Section 2 of Children Act 2004 as Amended by the Children and Families Act 2014). Available at: <a href="http://www.legislation.gov.uk/ukpga/2004/31/contents">http://www.legislation.gov.uk/ukpga/2004/31/contents</a> and <a href="http://www.legislation.gov.uk/ukpga/2014/6/part/6/enacted">http://www.legislation.gov.uk/ukpga/2014/6/part/6/enacted</a></p> <p>The Commissioner's remit also extends to certain young adults falling within section 9 of the Children Act 2004.</p>
	<b>Independence</b>	<p>The Children's Commissioner's new statutory remit helps to ensure that the Government makes decisions that are in the best interests of children and protect their rights—however, its role in representing children necessitates independence from Government.</p> <p>Under Children Act 2004 Schedule 1 §1(2), the Children's Commissioner is not to be regarded as the servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown; and his property is not to be regarded as property of, or property held on behalf of, the Crown. Schedule 5 §1 of the Children and Families Act 2014 removes the requirement of prior consultation with the Secretary of State under sec. 3(3) of the Children Act before holding a public inquiry. Schedule 5 §2 repeals the provisions of the Children Act granting the Secretary of State powers to direct the Children Commissioner to hold an inquiry into individual cases.</p>
	<b>Financial Independence</b>	<p>The Children's Commissioner is a public body funded through public funds via the Department for Education. The Commissioner is therefore subject to the same accountability and scrutiny as other public bodies. The Secretary of State agrees the overall amount of budget for the Commissioner and her office on an annual basis.</p> <p>Children Act 2004 Schedule 1 §4 The Secretary of State must - (a) pay the Children's Commissioner such remuneration and allowances, and (b) pay or make provision for the payment of such pension or gratuities to or in respect of her, as may be provided under the terms of his appointment. Children Act 2004 Schedule 1 §7 The Secretary of State may make payments to the Children's Commissioner of such amounts, at such times and on such conditions (if any) as the Secretary of State considers appropriate.</p>

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<b>Membership</b>	<b>Composition of body</b>	<p>The Children's Commissioner leads the Office of the Children's Commissioner.</p> <p>Under Children Act 2004 Schedule 1 § 5 (1) as amended by Children and Families Act 2014 Schedule 5 § 9(1), the Children's Commissioner may appoint any staff she considers necessary for assisting her in the exercise of her functions.</p> <p>Furthermore, the Commissioner shall be assisted by an Advisory Board consisting of persons representing "a broad range of interests which are relevant to the Children's Commissioner's functions." (Section 7(A) of the Children Act 2004, as amended by the Children and Families Act 2014 at Section 111).</p>
	<b>Appointment</b>	<p>The Children's Commissioner is appointed by the Secretary of State for a single term of six years. (Children Act 2004 Schedule 1 §3 (4) and (5), as amended by Schedule 5 § 7(b) and (c) of the Children and Families Act 2014).</p>
	<b>Expertise</b>	<p>The current Children's Commissioner took up office in March 2015; she is a former Chief Executive of 4Children, policy advisor to children and families/childcare for the Prime Minister's Strategy Unit and Chief Executive of the Kids Club Network.</p> <p>All staff have relevant technical experience. The Children's Commissioner and her office are therefore highly qualified to research and provide advice on an extensive range of issues affecting children and young people. The Children Commissioner will also benefit from the advice and assistance of the Advisory Board.</p>

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<b>Visiting Mandate</b>	<b>Places of deprivation of liberty to be visited</b>	<p>The Children's Commissioner's legal powers include the power to enter any place where a child is cared for, other than their private home, and to interview them in private as long as they agree. The 2014 Act expands the purpose of such visits to include observance the standards of care provided for children.</p> <p>According to section 2(E)(2) of the Children Act 2004 as amended by the Children and Families Act 2014 Section 109, the "Children's Commissioner or a person authorised by the Commissioner may-at any reasonable time enter any premises, other than a private dwelling:</p> <p>(a) for the purpose of interviewing a child, or (b) for the purpose of observing the standard of care provided to children accommodated or otherwise cared for there".</p> <p>The commissioner or the person authorised may also interview any person present on such premises who works there.</p> <p>The Commissioner is also empowered to provide advice and assistance services to children who fall within section 8A of the Act (children living away from home or receiving social care services), a task which previously was the responsibility of the Children's Rights Director.</p> <p>The Commissioner can also request that organisations provide her with information and respond to recommendations she makes relating to her statutory remit. She can hold inquiries into cases where they raise issues of public policy of relevance to other children under Section 3(1) of the Children Act 2004.</p>
	<b>Frequency of visits</b>	<p>No mention in the main legislation. The Commissioner will visit organisations or institutions as required by the work she/he is undertaking.</p>
	<b>Types of visits</b>	<p>There is no explicit mention in the legislation if visits are announced or unannounced. However, it may be inferred from the phrase "at any reasonable time" in Section 2 (2) of the Children Act 2004 that visits can be unannounced.</p> <p>Further, under Children Act 2004 Schedule 1 § 2(1), the Children's Commissioner may do anything which appears to her to be necessary or expedient for the purpose of, or in connection with, the exercise of her functions.</p>
	<b>Private interviews</b>	<p>Under Children Act 2004 Section 2 (E) (3), as amended by the Children and Families Act 2004 section 109, the Children's Commissioner can interview a child in private, if the child consents. The Commissioner may also provide advice and assistance to children falling within section 8A of the Children Act 2004, as provided by Section 2(D)(1) of the Children Act 2004. The Commissioner is not able to carry out an investigation of an individual case as part of her primary function unless that case has implications for wider policy relating to children. The Commission may, if he/she thinks fit, hold an</p>

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		inquiry under Section 3 in private. (See section 2(5) of the Children Act 2004, as amended by Children and Families Act 2004 section 109, and section 3(1) of Children Act 2004).
	<b>Access to information</b>	The Children's Commissioner gathers evidence and information from children and young people on a range of issues. The Commissioner can access information through interviews and observations conducted during visits to premises where children are accommodated or cared

		<p>for. The Commissioner's independent status enables her to promote and protect the rights of children and to effectively advocate for children using evidence to support or challenge policies and practices on behalf of children, as necessary.</p> <p>The Commissioner can undertake a formal inquiry and has the power to request information outside of a formal inquiry. According to Section 2(F)(1) and Section 2(F)(2) of the Children Act 2004 as amended by Section 110 of the Children and Families Act 2014, "Any person exercising functions of a public nature must supply the Children's Commissioner with such information in that person's possession relating to those functions as the Commissioner may reasonably request for the purposes of the primary function or the function under section 2D" and, under Section 2(F)(2), such "information must be information which that person would, apart from subsection (1), lawfully be able to disclose to the Commissioner"</p>
	<b>Publication of findings after visits</b>	<p>The legislation does not explicitly require the publication of findings following visits. However, the Commissioner may "publish a report on any matter considered or investigated" in the course of activities undertaken in the discharge of his/her primary functions under section 2(3)(j) of the Children Act 2004 (as amended by Section 107 of the Children and Families Act 2014).</p> <p>The Commissioner is also required to publish a report containing her recommendation soon as possible after completing an inquiry, under Section 3(1) of the Act, into individual cases of children raising broader issues of public policy. (Section 3(5) of the Children Act 2004.</p> <p>Further, the Commissioner, after the end of each financial year, must prepare and publish a under Section 8 of the 2004 Act (as amended). See the entry under Annual reports Below.</p>

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	<b>Coordination of visits</b>	<p>Much of the work carried out by the Commissioner is in partnership with others, including Children's Commissioners in Wales, Scotland and Northern Ireland, local authorities and other children's sector organizations.</p> <p>Under Children Act 2004 Schedule 1 §2(1), the Children's Commissioner may do anything which appears to him/her to be necessary or expedient for the purpose of, or in connection with, the exercise of her functions. In particular she may- (a) co-operate with other public authorities in the United Kingdom; (b) enter into contracts and (c) acquire, hold and dispose of any property.</p>
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<b>Other Aspects of Mandate</b>	<b>Recommendations and suggestions for amendments to legislation</b>	<p>The Children's Commissioner publishes reports on the work he/she and his/her office have undertaken and these will be accessible to all children, if appropriate. This includes reports relating to specific areas of work as well as a summary of the wider work undertaken by the organisation, together with financial Accounts, covered in her Annual Report – which are laid before Parliament.</p> <p>The Children's Commissioner may also publish a report containing recommendations in respect of any person exercising functions of a public nature, and "require that person to state in writing, within such period as the Children's Commissioner may reasonable require, what action the person has taken or proposes to take in response to the recommendations." See Section 2(3) (j) and 2(C) of the Children Act 2004, as amended by Section 107, the Children and Families Act 2014.</p>
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<p><b>Preventive activities</b></p>	<p>The Children's Commissioner has a legal duty to promote and protect the rights of all children in England, in particular those whose voices are least likely to be heard. He/she also has a duty to speak on behalf of all children in the UK on non-devolved issues.</p> <p>One of the Commissioner's key functions is encouraging organisations that provide services for children to always operate from the child's perspective.</p> <p>Under Section 2(3) of the Children Act 2004 (as amended by the 2014 Children and Families Act Section 107), the Commission may, in the discharge of her duties, <i>inter alia</i>:</p> <p>"(a) advise persons exercising functions or engaged in activities affecting children on how to act compatibly with the rights of children; ... (d) consider the potential effect on the rights of children of government policy proposals and government proposals for legislation; (e) bring any matter to the attention of either House of Parliament; (f) investigate the availability and effectiveness of complaints procedures so far as relating to children;.. (h) investigate any other matter relating to the rights or interests of children; (i) monitor the implementation in England of the United Nations Convention on the Rights of the Child; (j) publish a report on any matter considered.."</p> <p>"The Children's Commissioner or a person authorised by the Commissioner may-at any reasonable time -enter any premises, other than a private dwelling: (a) for the purpose of interviewing a child, or (b) for the purpose of observing the standard of care provided to children accommodated or otherwise cared for there (See Section 2 (E)(2) of the Children Act 2004 as amended by the Children and Families Act 2014 Section 109)</p> <p>Where the Children's Commissioner considers that the case of an individual child in England raises issues of public policy of relevance to other children, she may hold an inquiry in to that case for the purpose of investigating and making recommendations about those issues.</p>
	<p>(Children Act 2004 Section 3 (1))</p> <p>The Children's Commissioner may publish a report with recommendations in respect of any person exercising functions of a public nature and require that person to state in writing, within such period as the Children's Commissioner may reasonable require, what action the person has taken or proposes to take in response to the recommendations." (See Section 2(3) (j) and 2(C) of the Children Act 2004, as amended by the Children and Families Act 2014)</p>

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<b>Standards</b>	<b>Legal standards applied</b>	Section 2(A) of the Children Act 2004 (as amended by Section 107 of the Children and Families Act 2014) states that the Commissioner "must have regard to the United Nations Convention on the Rights of the Child", which includes "any protocols which are in force in relation to the United Kingdom subject to any reservations, objections or interpretative declarations by the United Kingdom for the time being in force"
<b>Reports</b>	<b>Annual reports</b>	<p>See Section 8(1) of the Children Act 2004 (as amended by the Children and Families Act of 2014, Section 113(2)(a), 113 (2)(b) and 113 (2)(c):</p> <p>"As soon as possible after the end of each financial year the Children's Commissioner must make a report on-</p> <p>(a) the way in which he has discharged his functions...; [and]  (b) what he has found in the course of exercising those functions during the year.</p> <p>Under Section 8(2) of the Children Act, as amended by the Children and Families Act 2014 Section 113(3):</p> <p>(2) The Children's Commissioner must in particular under subsection (1)(a) include:</p> <p>(a) a summary of the Commissioner's activities and an analysis of the effectiveness of those activities in promoting and protecting the rights of children,</p> <p>(b) an account of what the Commissioner has done in the discharge of his or her functions in relation to children who are within section 8A (children living away from home or receiving social care),</p> <p>(c) an account of the steps taken by the Commissioner to consult children or otherwise involve them in the discharge of his or her functions, and</p> <p>(d) a summary of how the Commissioner has taken into account the results of any such consultation and anything else resulting from involving children in the discharge of his or her functions."</p>