

CHILDREN'S CHAMPION ? PROMISE KEEPER ?

Interview with KATHLEEN MARSHALL, Commissioner for Children and Young People
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The role

It was the Scottish Parliament that established the post of Commissioner for Children and Young People (though Kathleen Marshall's appointment was actually made by the Queen to ensure the independence of the post). When she took up office on 26 April 2004, what completely took her by surprise was that when she turns up anywhere "people treat me like a visiting dignitary", which she had not anticipated at all; instead she has tried to generally side-step the pomp and ceremony and focus on the substance of her job.

The job of Commissioner for Children and Young People is not that of an enforcer. Neither is it to be a lobbyist arguing for the rights of children because those rights have already been promised by the government, particularly through the UN's Convention on the Rights of the Child. So Kathleen's job is actually to ensure that the government keeps the promises that they have already made by promoting those rights. In that respect she is a promise keeper; and she also has the role of a watchdog because if she thinks someone is not respecting the rights of children and young people she can conduct a formal investigation. As she says herself, a lot of her job will be about persuasion, information and awareness raising and she hopes that at the end of five years all service providers will be familiar with the UN Convention.

Current Issues

There is a whole range of issues occupying Kathleen's attention (although she says that she has tried to follow the advice given to her by a wee girl in a video made for her by groups of children, who said "don't overstretch yourself"). At the moment, she is particularly concerned with asylum and immigration issues, despite the fact that there was a feeling in some quarters that her role had nothing to do with asylum seekers (her investigatory powers don't apply to reserved matters); but "I said from the beginning that whilst there might be reserved matters, there are no reserved children". She is troubled about the way children and families are removed for detention and deportation. She was told by the Home Office that there was a pastoral visit before every removal for failed asylum seekers but after further probing she was angry to discover that the "pastoral visit" involved two immigration officers visiting them to fill in a questionnaire, without telling them that they were to be removed - "I don't see anything pastoral about that at all, I thought it was atrocious to call it that and the whole idea that you go and pick people up out of their beds at five minutes notice and take them away". She was impressed by the pupils in Drumchapel who protested against the way that their friend (who had lived in Scotland for four years) had been removed from her home and added that because it was the children who expressed for themselves how they were affected by at the deportation policy it made the message all the more powerful.

Kathleen has also been doing a lot of work on how health and safety issues have actually had an adverse effect on the lives of disabled children. Children in wheelchairs have told her how people will not help to straighten them up in their seats because they think it is against health and safety legislation: "people think that they can't lift or handle at all".

She is also concerned at how young carers or the children of drug-abusing parents often end up staying off school, getting stigmatised and marginalized for not turning up or for antisocial behaviour, when what they actually need is support to help them deal with the very serious responsibilities that they have in their families. In her SCPO lecture Kathleen talked of a powerful Panorama report on the lives of children of drug-abusing parents which she thought would lead to campaigns, petitions and a change in attitudes, funding and practice; instead, she was "stunned by the silence".

Another major issue is the pressure that there appears to be on young people in care to leave when they are sixteen, when in fact they should be allowed to stay until they are eighteen - "I thought we had got over that". She wondered why there were two young people looking quite depressed at a conference she was at when all the other young people seemed quite jolly and when she spoke to them she found out that they were both sixteen year olds in care. The young man had just been given what he called his notice to quit and the girl was expecting hers anytime. They were both scared and depressed by it, while Kathleen was incredulous that this was still the situation for young people in care. As she says it has huge implications for the young people who are expected to sustain tenancies at the age of sixteen so it is no wonder that a lot of them end up homeless. She plans to do something about this practice.

Immediate plans

In time she will have a staff of fourteen to help her cover all the work she faces as the Commissioner (her first member of staff only started at the end of September 2004). Once she has more staff in place Kathleen is going to conduct a big publicity campaign at the beginning of June to raise the profile of the office (having delayed this to avoid giving false expectations about what she could do in her first year).

She also intends to launch soon a consultation on what her policy priorities should be, to give her clear priorities for pro-active work in the future. Two of her staff will actually be young people (aged between 16 and 21 years old) who will be employed to develop the office website, making it attractive and relevant to younger people, and to talk to groups about what the office is for.

Kathleen is required to consult with children, young people and organisations that work with children. But what she can't do is take up individual cases, although she can use an individual case as an example of an issue and she says it is sometimes through such cases that she is alerted to a more general issue that affects other children and young people.

Highlight

One of her highlights to date is the positive reaction to a public lecture that she gave to SACRO in November. She was allowed to choose her own topic for the lecture, although there was an expectation that she would speak about anti-social behaviour. However, she chose to take up the issue of anonymity until conviction because she thought that it was unhelpful to children that as soon as an allegation is made against an adult it is splashed all over the papers. She was aware that the Law Society had supported the principle of anonymity but that they had been given a bad time by the press who said that such a law would result in the protection of abusers. Braced for a negative response and ready to justify her stance, she gave her lecture but was completely taken aback by the amount of support that she received, with Newsnight Scotland even doing a very positive piece on it. The unions were also positive and she has tried to take the issue forward.

Kathleen's Personal Background

Before taking up the post of Commissioner Kathleen was Director of the Scottish Child Law Centre and had been part of the campaign to create a Children and Young Person's Commissioner, so she knew that "this job was coming up". When it was finally advertised she applied for it not only because she had long recognised the need for it, but she also relished the opportunity of having a truly independent role. She says that one huge advantage to her role is that she can deal with unpopular subjects. When she was Director of the Scottish Child Law Centre she always had to think about their funding but as the Commissioner she can say things that are difficult for voluntary organisations to voice: "say things that are quite challenging and I know that I'll quite possibly get some flak for it but hopefully I have the time to reason it through without the sudden implication of having your funding withdrawn".

Prior to that Kathleen had a background in law (studying at Glasgow University where she represented law students on the SRC along with a certain Graham Blount) but she had been at home for eleven years to raise her family and had then thought about whether she should go back into law. She decided to test the waters by working at the Scottish Child Law Centre as a volunteer back in 1988. She went in with a general air of benevolence towards children but not with a radical approach, but after being exposed to the problems and difficulties that children and young people faced "that did in effect radicalise me". Being Director prepared her well for being the Commissioner as she had to deal with every area of the law at the Child Law Centre: education, adoption, abduction, child care, criminal justice, employment, marriage and separation, medical consent - "you name it".

Not one to rest on her laurels, Kathleen also did a theology degree via distance learning over five years (graduating in November 2003, two months before she was interviewed for the job of Commissioner). She is a practising Catholic and likes to get involved. In fact, just before she took up the Commissioner post she was quite active in ACTS and was vice-convenor of its Church & Society Network. But when she started her current job "I had to more or less sign in blood that I would be prohibited to be involved in party politics" and so until she knows where she stands with other activities like ACTS, she felt that it was best to resign from it and a variety of other positions.

Outside the Job

Not that she has much time outside of her job but when she does, Kathleen's biggest passion is her family. But if she ever had the time she would like to learn about archaeology. If she was ever stranded on a desert island and was only allowed to take one luxury item she would take the Catholic Church's liturgy of the hours, which has a mixture of readings from across the centuries and comes in three volumes. She says it covers the whole spectrum of human life and that in it you can read a psalm, or something from St Augustine or St Ambrose, or a medieval person, or something from the second Vatican Council. When asked which two people she would like to take with her to the desert island, she was appalled that she could only choose two! But on reflection she decided she would take her husband "or he would divorce me!" and a 16th century Carmelite called Theresa, as Kathleen has read a lot of her stuff and "I always thought I would love to talk to her and find out more about her". Theresa's character doesn't sound a million miles away from that of our Commissioner for Children and Young People, as apparently Theresa was very wise, humorous, active, down to earth and had a deep faith - "a very interesting combination of a contemplative in action".

