



Cabinet Office

Oik Coonceil ny Shirveishee

Covering paper for the 2017 Children's Champion report

The Children's Champion is an important role that is long established in the Isle of Man.

The role is intended to provide a voice for children and in particular for those children who may have no other form of representation such as vulnerable or looked after children.

The Chief Minister is grateful to the Children's Champion for her time and effort in bringing together this report.

As an independent voice, the Children's Champion shares her views with Government.

These views are not endorsed by Government and Government may or may not choose to act on the matters raised in the report.

The terms of reference for the role are currently being reviewed for scope and context. This review will take place in conjunction with an ongoing review of committees and quangos led by the Minister for Policy and Reform and the Cabinet Office will work with the Children's Champion and relevant Departments on this matter.

Annual Report of the Isle of Man Children's Champion

FIRST ANNUAL REPORT OF
THE ISLE OF MAN'S CHILDREN'S CHAMPION DAPHNE CAINE MHK
REPORTING ON THE PERIOD FROM OCTOBER 2016 TO AUGUST 2017.

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FOREWORD

Dear Chief Minister

I am very grateful to you for appointing me Children's Champion for the Isle of Man. It has been a most enlightening first 10 months in respect of the wide range of issues facing children and young people on the Isle of Man. Of necessity this first year has been very much an information gathering, listening and reacting role for me. I am reporting now on issues resolved or outstanding at this time as it is my first opportunity to draw together the information. It is my intention to report annually during the summer recess each year that I continue to serve as Children's Champion.

I consistently spend several hours each week responding to emails, calls and attending meetings on a variety of topics concerning Isle of Man children and young people and their families. Most of this correspondence has been with educators, parents and guardians but I hope to balance this in the coming months by reaching out to more young people in particular via school and youth groups to raise awareness of my role and availability to listen and respond to any issues concerning young people.

Issues raised in the first 10 months have ranged from bullying and health issues to perceived gaps in social legislation and funding for early years education and support. Most recently religious education in schools and the infringement of parental rights in respect of home education have been areas of concern to many. A full list of all matters raised with me is detailed on the following pages for your information.

I would ask that you share it with the Council of Ministers and departments as you feel appropriate. I would also be happy if you wished to publish it, with any response to the points made, in the autumn.

Yours sincerely

Daphne Caine MHK

THE ROLE OF CHILDREN'S CHAMPION

For some time the Isle of Man Government has identified a Children's Champion from within Tynwald to enable the voice of children and young people to be heard in the planning, delivery and evaluation of services that impact on their lives and those of their families.

This document is intended to set out the purpose, role and attributes of our Children's Champion as we set out to recruit a new person to undertake the role.

Role Purpose

To listen to and represent the best interests of children and young people living, working, or learning in the Isle of Man by taking consideration of the United Nations Convention on the Rights of the Child (UNCRC).

To promote the values and principles of the UNCRC to all elected representatives and children and young people in the Isle of Man. This will be achieved by giving due consideration of the UNCRC in Government policies, strategies and decision-making.

Role Description

Representation of children & young people's interests

- Promoting an understanding of the UNCRC and children and young people's needs to all elected representatives in Government, its constituent committees and other relevant forums.
- To champion the rights, needs and interests of looked after children and young people; by championing the role of Corporate Parent to elected representatives. The Children and Young People's Champion will chair the corporate parenting strategy group. The Children and Young People's Champion will hold membership of the Children's Services Partnership.
- To inform and influence service development in order to enhance the life choices and opportunities of the children and young people in the Isle of Man.
- To ensure the post of Children and Young People's Champion has a high profile across all communities, across all Departments of Government and in third and private sector agencies providing services to children and young people.
- To assist children and young people to engage with the Isle of Man Government by providing signposting support to the appropriate elected representatives or Isle of Man services, whether statutory, third or private sector provided on issues identified by them.

CURRENT ISSUES

1. Children and Family Services Division

Correspondence about this division has dominated my time as Children's Champion. I commented extensively [in Tynwald in December 2016](#) on the Social Affairs Policy Review Committee's Third report. I said then and feel still that a change of culture is needed in the division. I also feel strongly that the division needs to be given some space away from constant scrutiny to provide time to reform and improve morale.

I am encouraged that improvements are being made in some areas. The Minister for Health and Social Care reported recently there has been a reduction in agency social workers, which can only benefit their young clients. Constantly changing social workers is one of the aggravations suffered by looked after children.

However, I feel I should note that in the case of looked after children, their opinion of the director of the division is that she has an open door policy; they are happy that they have direct access to her when needed and they are confident that they can express their concerns to this senior officer and that those concerns will be listened to. I feel that level of accessibility/responsiveness is worthy of commendation.

I also note that October 2017 will see publication of the Burnett report into allegations made over the division's handling of case files and their relationship with service users. I welcome that an action plan for implementation of recommendations will be published at the same time.

2. Scottish Inspectorate Review

Following the Everall inquiry report 2006 into the deaths of young people in care on the Isle of Man, follow-up monitoring was commissioned. The Care Inspectorate report of February 2014 was received and accepted by Tynwald in July 2014. Given this past transparency I am concerned why the subsequent report by the Inspectorate dated June 2016 has not been published. I feel this must be rectified at the earliest opportunity.

Both reports were critical of the Isle of Man at both political and officer level. Indeed, the 2014 report concluded the Island was 'weak' in leadership of improvement and change.

I believe a senior officer has now been appointed (one year after the 2016 report was received) to deliver an action plan for the Scottish Inspectorate's second report. While the delay is not comprehensible or acceptable, I am pleased the issues are now receiving attention.

I would hope this action plan will be published alongside the document as a matter of urgency. Alongside that, politicians need to demonstrate their engagement. Without the Ministers and political members having awareness and providing leadership, the good

work of officers can be neglected, undermined, underfunded and not encouraged. After the initial furore of the Everall enquiry, most politicians became very engaged but as time has gone by there seems to be little political engagement in children's issues particularly, and there shouldn't be an assumption that appointing a Children's Champion will ensure that everything is covered. I am only one voice and one pair of hands, but happy to raise issues with government in the hope they will be listened to and actioned.

3. Safeguarding Children Board

All reports have called for the Isle of Man's Safeguarding Children's Board to be put on a statutory footing. More than a decade after this need was first identified, I am pleased legislation is now being drafted for introduction this year and I will be keen to see what vires the Board will operate under and how this will enhance safeguarding of island children.

4. Home education/human rights

The prospect of more regulation on home educators is causing anxiety to parents and children who home educate on the Isle of Man.

Chief Executive of the Department of Education and Children, Ronald Barr, made a comment to the Social Affairs Policy Review Committee on the 10th April 2017 that home education was a contentious issue. He also made comments in June 2014 that the Department wanted more information about home educating families.

The home educating community have reacted with concern pointing out that similar proposals in 2008 were rejected by Tynwald after a legal challenge from an island based Human Rights advocate. British law cannot require monitoring of these families due to case law and judicial review. Local families are concerned that they will, for a second time, become the focus of public debate and otherwise be put under pressure by the Department.

It is important to note that the Department does not have responsibility for home educated children although it can, as in the UK, ask for a school attendance order if it 'appears' that a child is not receiving a suitable education. Government does not fund home education and, given that this has been subject to significant debate previously, there is much to support the view that home education should not form part of any new measures contained in the Education Bill currently being drafted.

Recent correspondence between home educators and the DEC indicates that the Department will consult with home educators before the Bill has been drafted – the home educators contend the issue should **not** be included in the proposed legislation, and the prospect of more control is causing serious stress to home educating parents and children.

I received an email from a home educated student:

She states:

Me and my brothers have grown up with people (adults and kids) fishing into our private lives: asking us where we live when we're walking the dog, I've been asked maths questions, what we do with our time and so on... When people find out you're home educated they immediately assume you do nothing and you have to prove you're getting a good education. It gets tiring and gives my mum a lot of stress, but we've got used to it. So the government really shouldn't worry about checking up on us because we get tested virtually every time we go out.

I don't want this law about monitoring home educators to go through because I don't want be watched and judged any more than we already are. I also I don't see why home educators have to constantly justify and prove ourselves to people who should really mind their own business. School kids don't have to prove that they get a good education and are quizzed every time they go somewhere new, so why should home educated kids? It's because we do things differently and people don't like what's different, but that doesn't justify people poking their nose into my life. We already get that enough. I don't want the government knowing private things about me: what books I read, what subjects I'm good at and the ones I struggle with, how I like to spend my time. My parents know that, like all parents do and should. I don't want a stranger reading about me and judging my life; it's personal and not supposed to be seen by the government.

Please see the full letter at Appendix 1.

The Department has confirmed to home educators that the new measure they are seeking is an 'annual report' on what education is being delivered in the home. The question is to what end is this new requirement? Is there a justifiable, evidence based issue that must be addressed, particularly given the Department already has more control available to them than in other jurisdictions. Firstly, there is a compulsory register; secondly the Isle of Man has an additional power to submit their child for examination or assessment by the Department. This is in addition to powers requiring information within 15 days if it 'appears' the child is not being home educated. It prompts the question just how many additional legal powers does the DEC want to achieve a task comfortably achieved in other places and also what enforcement action would it take against home educating parents if they refused to comply to a standard set by the Department?

The matter, and the responses to home educators to date from the Department has caused such concern that home educators commissioned Allan Norman, the UK social worker and non-practising solicitor who visited the Island last year to report on the subject. His report is at Appendix 2.

It makes the point that under the European Convention on Human Rights, "Parents have a prior right to choose the kind of education that shall be given to their children."

Mr Norman further states:

It is important to note that this is set out as a parental right, and not as a parental responsibility or parental duty. Current Isle of Man legislation, which refers to a duty, needs to be interpreted to take account of this.

- The report firstly sets set out (at part B) the human rights framework of the right to education, within which any consideration of home education must be framed;
- Secondly, it reviews (at part C) the existing framework on the Isle of Man against the human rights framework; and
- Thirdly, it raises issues (at part D) that must necessarily be considered and addressed if consideration is being given to changing the existing framework, by legislation or otherwise.

It would be appreciated if the report could be considered by the Council of Ministers and the DEC, perhaps also by the Social Affairs Policy Committee, and a response given as to whether plans for an annual report from home educators should be abandoned, and indeed any further regulation of home education.

5. Religious education in schools

Clarity is needed over the Department of Education and Children's policy on religious education in primary schools. I am aware that some people object to religious groups going into primary schools to deliver religious education. Reactions have become particularly heated over the information that 'creationism' was being taught in schools. However, I am also aware from my attendance at the Children's Services partnership that any visiting religious guests are accompanied by teachers.

It seems that greater information on what religious education is provided would assist parents to understand the policy. My personal view is that local groups are mainly representing the Christian faith and I would welcome more balance so that children and young people have access to information about other faiths including for instance, Judaism, Islam, Buddhism and even humanism/atheism. In a truly multi-faith and multi-ethnic society, knowledge of others' beliefs can only contribute to tolerance and acceptance in society.

6. Co-location of St Thomas's Church of England School and Scoill Vallajeelt

The announcement of plans to co-locate St Thomas's at Scoill Vallajeelt prompted numerous calls and emails to me.

I am aware (from a Freedom of information request) that the Department of Education and Children has received 20 objections to plans to co-locate St Thomas's at Scoill Vallajeelt but I wish to raise concerns over the proposal that have been brought to me.

Please see at Appendix 3, the letter from Voirrey Larkham, that is one of the most comprehensive I have received on this subject. It identifies the key principle that this co-location would represent the first religious segregation in the island's schools. That is surely something that must be avoided.

Two St Thomas's pupils parents contacted me to express concern over the attitude of some parents who were insistent that their children (also at St Thomas's) 'should not mix at any time with children of other faiths' – so insisting on complete segregation at break times in the event of a co-location of the school. I feel this is something that would be completely unacceptable. Another parent contacted me to express concern the impact of the proposal was having on St Thomas's pupils.

All agree the facilities at Scoill Vallajeelt are far superior and that there is space to accommodate the school and retain its ethos but given the level of hostility, many parents are now considering moving their children to catchment schools. See the leaflet produced by parents of Scoill Vallajeelt (appendix 4) that opposes the co-location.

I would suggest an urgent review is undertaken of the options for relocating St Thomas's School; also of the policy on funding faith schools on the Isle of Man.

I believe the majority of parents at St Thomas's and the Church would like a CofE school to be retained on the Island. The Archdeacon has confirmed the Diocese would consider making up to 50% of the proceeds of the sale of St Thomas's premises available to contribute to a relocation/refurbishment or new premises. However, this offer has not been explored by the DEC, although made in public at the parents' meeting at St Thomas's (and confirmed to me).

In the short term, could St Thomas's be relocated to the former Ballacloan School building on Demesne Road, until its long term future is decided? This is nearer the current site and would enable pupils to use the outdoor facilities at Henry Bloom Noble Primary School.

Accepting that the premises at St Thomas's are not up to modern standards, if the school is not to be relocated to its own new premises and given the animosity that the proposed co-location has provoked, perhaps a better solution would be to announce the closure of St Thomas's and the Department could simply work with parents to find suitable catchment or close to catchment schools for the children over the next year.

A decision by the DEC must be made as soon as possible. My worry is the impact the uncertainty is having on small children. Several were in tears at the end of term as classmates were not returning in September. Nine have gone to other schools, I am informed. Others are displaying anxiety although they are now on holiday. Without a

swift solution being found and announced, I anticipate many more will drift away in the next term, perhaps making the school unviable in any location.

7. Early Help and Support (EHaS)

I wish to commend the work of the Early Help and Support programme. This perhaps more than anything I have come across prompts me to say that a joint commissioning board for services should be considered for the future budgetary process to ensure that such services are funded in the future. So many services provided for children cut across more than one department of government.

EHaS was piloted 2-3yrs ago and rolled out across the island last October. Regional Children With Additional Needs (CWAN) co-ordinators work with children who have a wide range of issues that prevent them succeeding in school/life. The programme assists children from pre-school to secondary age; issues include parental additions, educational attainment, mental health, anxieties. It is proven that working with families early maximises the children's potential and limits likely need to engage with such services in later years. However, much of the assistance involves supporting parents of children with additional needs, parents who have wide range of issues that impact on their children.

Statistics from elsewhere suggest spending £1 now in EHaS saves £7-9 later. It is difficult to assess the savings because it takes five years into the project to see the savings. Also the proportion of re-referrals needs to be recorded and assessed; once EHaS has helped, possibly a longer term intervention may be needed and only then can we build a full picture of the true value of this service.

However, there have been two hiccups with EHaS in my months as Children's Champion. Despite the universal support and appreciation of the very convincing improvement in outcomes for children as a result of interventions by the CWAN co-ordinators, there was uncertainty over its future funding (resolved thanks to joint funding by DHSC/DEC).

The second hiccup to this ongoing excellent work was when the CWAN coordinators and nurseries were informed in June that therapeutic support for families through EHaS was being suspended until December, because of an overspend.

I am informed there was an overspend caused by 20 children/parents receiving some sort of therapeutic support. After a review, parents in receipt of therapeutic support were given four more sessions based on the amount they had already had. Therapeutic services actually restarted within 2-3 weeks of the hiatus and other funding routes were then offered to CWAN co-ordinators who feel extra support is needed.

I am not aware whether it was a victim of its success or whether the need was underestimated. The main thing is that access to commissioned services was continued.

However, young carers are experiencing some difficulty because they have recently changed coordinators (I believe as a result of staff turnover). There is also a waiting list for the sports programme used for young carers as demand outstripped availability.

I would suggest greater monitoring of the EHaS scheme to ensure it is funded to meet demand. They receive a steady 30-35 referrals every month, and are currently working with 125 children on the island. While these numbers are high, I am also aware of one nursery that currently has:

- 9 children identified as vulnerable, but who don't reach the thresholds for EHaS.
- 1 child where EHaS have closed the case, but continue to support the parents who have a diagnosed mental health difficulties and family complications
- 2 children who are receiving funding from EHaS until August

While equilibrium has been restored over the current EHaS caseload, I wonder if more resources in this area will be needed in the future. Stopping therapy on cost grounds seemed a kneejerk reaction and was not the best in terms of the impact of the announcement on all involved: co-ordinators, nursery workers and the families themselves. I am pleased to note that therapy was restored for those children and adults, and some have been able to go forward; also that there was no evidence the pause in therapies had an impact that can be discerned.

8. Early years provision 0-4 years

The availability of nursery places available on the Isle of Man is under investigation by the Social Affairs Policy Review Committee. Feedback to me from parents is that it is increasingly difficult to obtain places for under 2s; childcare costs are increasing and the fear is that nurseries for ages 2-4 are of variable quality.

It is unacceptable that there is no statutory provision for under 5s. Perhaps this will be addressed in the forthcoming Education Bill. The Department of Education and Children is not currently required to provide any services. This led to the decision by the previous administration to cut state funded pre-schools, which I believe is having a continuing impact on some children. At the same time state funded pre-schools were cut in 2012, second language provision in primary schools was removed. I believe that is having a long term impact on children's educational attainment. Will the policy of second language tuition in early years be reviewed?

The issue with nurseries is that they should provide education and not just childcare for 3-4 year olds.

Two nurseries have gained a quality mark on the island – surely others should be encouraged to aspire to this? However, with nurseries assessed more on their facilities than educational curriculum, there needs to be a change in policy.

What is needed is an integrated workforce, breaking down department siloes to ensure planning, attracting, developing and retaining a highly skilled early years' workforce.

9. Corporate Parenting Group (CPG)

One of my responsibilities as Children's Champion is to chair the Corporate Parenting Group. A review of the CPG was underway when I took on the role. The outcome is we have amended the structure of CPG, to put looked after children (LAC) at its heart, to ensure all members of the group, representing services across government, hear directly and respond to issues raised by looked after children. See the draft revised terms of reference, including membership of the CPG at Appendix 8.

The group now meets every two months (rather than monthly) and the meeting time has been changed to 4.30pm so that the VIP children can attend. VIP stands for Voices in Participation, members nominated by the looked after children's council members.

To provide an example of how the CPG operates, one of the first issues raised concerned looked after children, who were no longer in residential care, struggling to pay rent as a result on being on zero hours contracts. Involvement from officers in various departments ensured that this was flagged up to the employers and landlords involved. Other issues are identified and allocated to CPG members to work to resolve.

The intention is also to work with VIP members to update and relaunch the Children's Promise – the VIP council is working on the wording of the promise that it is hoped to bring to you, as Chief Minister, to endorse and launch for 2018.

Previously I am aware there were moves to give every high ranking officer and politicians corporate parenting courses. Could this be revisited as a priority to ensure the policy makers are fully aware of the needs of our looked after children?

A separate issue raised with me about children in care is the lack of boundaries it is permitted to impose in residential centres. Young people are not in secure units, so carers are unable to prevent teenagers from leaving the home at night if they wish to. Neither can carers remove mobile devices from their rooms to prevent constant use through the night with the consequences of extreme tiredness the next morning/failure to attend school. This is a concern that perhaps requires a policy review.

10. Braddan Hub – improvement in facilities for children with disabilities

Another of my responsibilities is to children with disabilities. I welcome news that the Braddan community hub is coming on stream in September. This is the vanguard of integrating services for disabled children with complex needs as a result of Health, Education and Social Services working together.

Many users are on the autistic spectrum, but it also provides services for those with physical and mental health difficulties, some non-mobile, and increasing numbers of complex health needs. Investment in converting overnight accommodation in Braddan to a community hub will enable clinics to operate twice a week, and to hold reviews with everyone involved able to be present.

The Braddan hub and Ramsey respite centre were one of the Island's best kept secrets. Ramsey remains as the overnight respite service. Interesting to note not one complaint was received when that change was made. The benefit now being realised in extending the facilities at Braddan is more children coming in and more outreach services being provided. The icing on the cake will be when the community hub is fully utilised in terms of health clinics and teachers attending for children with complex needs.

It is pleasing that the reach has already increased from 39 children to more than 70 using both centres. An integrated hub at Braddan will be able to offer services to many more children. This is a real success of joined up working across government.

I look forward to its official opening in September and hope it will continue to build on its achievements by improving pathways to services and outcomes for children with disabilities.

11. School attainment – league tables

As a political member of the Department of Economic Development I attended the Manx eGaming Association (MEGA) annual dinner earlier this year along with yourself and other Ministers. The results of their survey of members made interesting reading. However, one inaccuracy stood out for me – MEGA members felt the poor standard of the island's education was a deterrent for workers moving here.

Knowing the high standard of our educational attainment, DED commissioned work to benchmark our state schools' attainment against North West Schools using open source data. It demonstrates that all five secondary schools would be placed in the top 30 schools in the North West, performing well compared with fee-paying schools.

I urge the DEC to verify the data used and suggest this should be routinely published in order that all parents and students can take pride in their school's achievements; all should have access to information about their school's performance (which I anticipate would fluctuate year to year); also DED can dispel the myth that our standard of

education is below the UK's. In this age of transparency it seems wrong that comparable performance of schools is not published by the DEC.

See open data source league table at Appendix 5.

12. Legislation for children in court to provide pre-recorded interviews

Legislative changes that will result in significant improvements in the treatment of vulnerable people within the court system are needed. It is to be welcomed that the Department of Home Affairs has confirmed (Programme for Government) it will bring forward legislation by 2018 to enable pre-recorded interviews to be used as evidence in court.

This is urgently needed because a court case can take, on average, 12 months from the reporting or charging stage, to trial. For a young or vulnerable person that is far too long to be worrying about the court case and a process they may not fully understand.

In addition, the young or vulnerable person cannot access full therapeutic psychological support or counselling prior to a court trial, as they should not discuss what happened.

Victim Support Manager Paula Gelling told me:

'The piece of legislation re pre-recorded testimony will be of direct benefit to vulnerable victims and witnesses and will prevent their unnecessary distress. Allowing the pre-recording of cross-examination of vulnerable victims and witnesses in advance of a trial, would indeed be a very positive step forward. This proposal by the Minister (of Home Affairs) minimises the secondary victimisation that vulnerable victims and witnesses experience when being cross-examined in court at a full trial. Anything that reduces the stress and suffering of an individual going through the criminal justice system gets the full backing of Victim Support.'

Miss Gelling added:

'On the Island four years ago there was a case involving three child victims, all of primary school age, who were due to give evidence some 18 months after the offences were committed. At that age, their recollection and explanation of events that took place 18 months earlier would have been difficult. Also their access to psychological support couldn't start until after the trial. That is unacceptable. By contrast, if they had been able to pre-record their testimony they could have accessed the necessary support earlier, their recovery would have been quicker and justice would still have been fair to all parties. Introducing this proposed legislation would be in line with the Island's Criminal Justice Strategy and has been shown to make a beneficial difference in a UK pilot scheme.'

13. Legislation for coercive behaviour

Coercive behaviour is an area that is not covered by our current legislation and I am grateful to the Hon. Minister Mr Malarkey for confirming he will consider including new offences as part of the forthcoming legislation being drawn up by the DHA (see letter at Appendix 6).

The types of coercive control being used differ from victim to victim. Perpetrators will often use a combination of tactics and/or take advantage of any perceived weaknesses or insecurities in order to maximise the victim's distress. Some examples might include:

- Controlling or observing the victim's daily activities, including: making them account for their time, restricting access to money, restricting their movements (including being locked in the property), isolating the victim and children from family and friends, intercepting messages or phone calls, constant criticism of victim's role as a partner, spouse or parent.
- Threats of suicide/homicide/familicide, preventing the victim from taking medication or accessing care (especially relevant for victims with disabilities).
- Using children to control their partner, eg threats to take the children away.

There is a clear impact of coercive control on children. Sometimes the biggest victims of domestic violence are the smallest. It is important to remember that whole families suffer from domestic violence. For every woman experiencing violence in the home there could be children who are usually also suffering. A study by Hughes (1992), of families who had experienced domestic violence, showed that 90% of children were in the same or the next room when the violence was occurring. The Hidden Victims study of 108 mothers attending National Children's Home family centres who had experienced domestic violence showed that 90% of children were aware of the violence, 75% had witnessed violence, 99% had seen their mothers crying or upset as a result of abuse and more than half of the women said their children had seen their injuries.

Domestic violence has an adverse effect on children and young people and can be extremely traumatic. It can impact upon all areas of life, including health, education, the development of relationships, recreation, social activities and likelihood of risk-taking or criminal behaviour. In a series of Northern Ireland focus groups with women who had suffered domestic violence, the impact of abuse on children was raised in every session. Many of the participants were mothers, and spoke about the impact that their abuser's coercive controlling behaviour had on the children. Women shared stories of how perpetrators would use children as a means to abuse them, would threaten to abscond with the children, would punish the children if the mother dared to push back against his authority. One woman said:

“He treated us all the same, all like children. I was to do what I was told or he’d punish us all.”

Victims worried about the impact that the abuse had on their children. They felt strongly that the abuse of children should also be taken into account as evidence of a coercive control offence. “The children are controlled too, and their behaviour is influenced by that pattern of control.” “Children are so malleable, they’ll change themselves to fit the situation. And perpetrators use that against victims.” Participants also felt strongly that child protection services needed to do more to understand domestic violence and coercive control, and its impact on both adult and child victims in the household. There was a real and palpable fear of social services among mothers in all focus groups, and a strong belief that social workers are not trained well enough to spot an abuser or recognise when an abuser is manipulating them and the child protection system in order to further abuse their victims.

While there is no assessment of the scale of the problem on the Isle of Man that I am aware of, children need to be protected and so bringing in legislation against coercive control will clearly help to protect children.

14. Family Court issues

I am pleased to have been invited to attend the Family Court Users Group. The first issue raised with me by advocates, the IoM Law Society and the judiciary concerned availability of Court Welfare Officers and has been resolved, with the production time of reports by Court Welfare Officers reducing in time from 12 to eight weeks. All sides seem content that the service has improved and a procurement exercise is underway to determine the future provision, so I do not feel it appropriate to go into more detail here on the subject.

However, ongoing issues I am looking to discuss with various groups include:

Public Law Care

The Family Court User Group has made representations to the Legal Aid Committee to remove the Legal Aid merits test in Care Proceedings. Whilst the Committee responded that they looked favourably at the request they have asked for statistics from the User Group as to the number of cases, types of party, who paid for representation and who represented the child. I intend to follow up this matter with the IoM Law Society/Legal Aid Committee.

Legal Aid

The Law Society states: ‘Civil Legal Aid is available for those financially eligible to seek advice and representation on family dispute matters, such as divorce and contact. Often these are the most vulnerable members of our society, requiring the help and assistance from their advocate and court services to address often very contentious issues.’

Concerns have been raised with me by the IoM Law Society over plans to reduce the number of advocates on the Legal Aid Committee. At one time the Committee was predominantly made up of advocates. Appointments to the Committee are now made by the Appointments Commission and recent appointees have either minimal or no experience on legal aid matters.

The Law Society is concerned because a number of policies introduced by the Legal Aid Committee have resulted in incurring additional costs and time for both the Legal Aid department and advocates. More worryingly Jane Gray, President of the Isle of Man Law Society states that: **‘A number of policies have also prevented members of the public from obtaining access to justice.’**

The full letter from Ms Gray can be seen at Appendix 7.

I will be following up this matter in the coming months and I would ask that you, Chief Minister, publicly support the recommendation of the Law Society president that changes should be put in place in order that Law Society members are represented on the Legal Aid Committee by a practising Legal Aid Advocate.

As the letter concludes: ‘Representation would also provide valuable skills and experience to fellow members on the Committee, who have not worked within the Legal Aid system or advised on it to members of the public, thereby assisting in the implementation of policies that increase the cost effectiveness, cost efficiency and openness of Legal Aid to members of the public and those that desperately need it.’

Supported and supervised contact for families

There is an emerging issue concerning supported or supervised contact service when directed or not directed by the court.

It is a recent issue highlighted to me by the Family Court User Group; where the Family Court has made a relevant order, it is difficult to comply because of a lack of service provision for families for supervised and supported contact – especially in respect of availability of contact visits at the weekend. There is also a lack of contact centre availability to parents who are not directed by the Family Court to have contact, but where relationships have broken down and advocates attempt to facilitate contact – which is outside their remit.

I will be looking to assist advocates and the courts to establish the need for a service and how that can be facilitated, within or outside the current contracts met by outside (charity) providers to the courts.

No fault divorce

A working group of Manx advocates is researching no fault divorce, which is not available in the Isle of Man. Acrimonious divorce proceedings have an impact on children and no fault divorce would assist some couples to have an amicable split. I have

indicated that I would support the measure and look forward to hearing from the working group with their proposals.

15. Concern over education of excluded children

The Department of Education and Children has a statutory obligation to provide education to all children aged 5-16 years but I have concerns this was not being met when a high number of children were excluded from school at a time when the secure unit, Cronk Sollysh, was full.

Cronk Sollysh has seen high occupancy rates over several months early this year – with those on remand, in custody or detained for welfare reasons. The education team at the unit were therefore fully occupied providing education to those in secure care, leaving limited time for other education support they usually provide, for example to young people in care who are on reduced education timetables or refusing to attend school. To provide enough education support at a fully occupied Cronk Sollysh and in the community has resource and potential cost implications. I was informed that out of around 14 young people in residential care in July: three were 16+, six were in full time education (two of whom were refusing to attend due to family issues), three were on reduced school timetables and three were on reduced timetables with attendance at the Education Support Centre (but all three refused to attend).

This is a problem that requires all services, agencies and carers to work together to find a solution. It is an education problem as well with the main concerns surrounding why the children are on reduced school timetables or refusing to attend school. The agency supporting LAC, St Christopher's education support service, was not set up to replace the obligation that the Department of Education have to "educate" young people but to supplement this for young people who do not attend school on a full time basis for varying reasons or to provide extra support to LAC in terms of homework, exam revision, catching up etc.

16. Children's Health

My starting point for health services was the West Midlands Review of October 2015. It would be useful to have an update on the improvements made since then.

Health professionals inform me that Children's Services remain the Cinderella of the Isle of Man's National Health Service, being continually underfunded. However this is not to take away from the dedication and professionalism of the staff, nor a reflection on the service provided.

The point was made to me that the Children's Department at Noble's Hospital remains underfunded because they have been well managed over many years, not increasing costs by employing locums or agency staff to fill posts because the staff remained loyal. The Children's Department has also seen the smallest expansion in consultant numbers.

Tertiary care spending for children is 5% of the total of the island's healthcare spend but covers 24% of the population. It might be appropriate but how can that be established without some benchmarking?

We need to co-ordinate care for children better – there is a feeling that better integration of health services for children would cost more to establish but in the long term would save money and deliver a better service.

Also, there is active discrimination against children. If an adult is hospitalised by an asthma attack, they will not be discharged until seen by a specialist nurse. There is no specialist nurse for children – is such a post not needed?

In terms of children requiring care for long-term conditions, the West Midlands Review found effective multi-disciplinary and multi-agency pathways were not in place. It has been suggested to me that these are still not in place, two years later. I wish to follow up this and other matters with the Health Minister/Members but have not yet had the opportunity to do so. The DHSC response would be appreciated.

Obesity

The West Midlands Review recommended a clearer pathway of care was needed to deliver care appropriate to children with obesity.

A couple of observations: Children are weighed in reception year and parents advised if their child is overweight. Why are they not weighed again in Year 6 to establish the true facts over the increase or otherwise in obesity in primary school? This would need careful handling because we do not want to increase anxiety in young people by them being concerned about their weight. However, it is in their best interests that they are directed and assisted to be active and achieve a healthy weight.

Secondly, accepting schools have the freedom to direct their own curriculum, I would urge the Health and Education departments to agree a policy over the Daily Mile that is followed by a handful of schools on the Island. Weighing children in Year 6 would provide evidence whether or not this has an impact on the health of children.

The most recent figures available regarding obesity are from school nurse measurements undertaken on reception class entrants during the school year 2015-16, which indicated a prevalence of overweight and obesity of 22.8%. The proportion of children¹ who fell within the obese category was 8.4%. Our levels of overweight and obesity are similar to those in England (22.1% for 2015-16).

Childhood obesity surely must be a priority especially considering obesity levels double through primary school in England; the figure for Year 6 obesity in England was 19.8% according to the National Child Measurement Programme figures, November 2016. The Isle of Man needs to be aware of that trend and gather evidence and take appropriate action on the island.

Oral health

I eagerly await publication of the new Oral Strategy for 0-5 year olds. I note the Health Minister's pledge in Tynwald that the 'woolly' oral health strategy will be replaced with a more targeted and measurable strategy.

¹ See also, 'A Healthy Island?', Isle of Man Director of Public Health Annual Report 2017, p. 8. 9.1% Obese 5 yr olds.

While a 0-5 years' strategy to improve the oral health of young children is to be welcomed, I feel we are letting down our young children by failing to ensure good dental habits through 0-15 years.

Each week, I am told, two or three children undergo procedures, under general anaesthetic, to remove multiple teeth. That is a terrible indictment of failed public health policies of recent years. I agree with the Hon. Health Minister Mrs Beecroft that 27.6% of children have dental decay is too high. This must also be tackled as a priority.

Orthodontics

I have received much correspondence and comment that all is not well with the service provided. Some call for the contract to be restored to [REDACTED]; more recent messages express concern that the current provider is now leaving. Any interruption to the availability of orthodontic care to young people is not acceptable. The DHSC must ensure availability of provision and continuity of care.

17. Allergies and Anaphylaxis Policy in Schools

Following a period of successful lobbying by and direct engagement with an interested member of the public, I am happy to note the Department of Education and Children is currently in the final stages of producing an Allergy and Anaphylaxis Policy in schools.

This engagement has focused on three main areas: prevention, inclusion and treatment. It was recognised there is a clear lack of understanding and awareness of allergies in schools, which is a reflection of the wider view in society. Often children encounter risks to their health as the seriousness or indeed the pervasiveness of their allergy is misunderstood, or as a result of others not appreciating the seriousness of the allergy. Many allergy kids experience isolation and exclusion in day to day activities, which with better information, knowledge and understanding may not be necessary. Furthermore, there are no clear guidelines in schools to help teachers plan activities around allergies or indeed what to do in the case of a reaction.

The new policy has been drafted by the Department in partnership with an interested party, has been reviewed by the Department and is currently out for consultation with the schools. It is intended this will be introduced on a rolling basis as soon as it is approved. There are also plans to introduce a similar policy to nurseries. This is a positive example of parents and the Department working together to improve the outcomes of our children.

Additionally, this exercise highlighted a need for statutory provision for children with medical needs. We already identify a number of areas for provision but we have a gap when it comes to chronic medical conditions such as diabetes, Crohn's disease, coeliac disease, epilepsy and even asthma. Often these children do require special provision for activities and their overall health may impact on their attendance and performance

through no fault of their own. This area was recognised in 2014 in the UK and there was a Section added to the Children and Families Act which is very comprehensive.

18. Bullying in schools

I am pleased to report that the number of calls I receive on this subject diminished over the final term of the school year. I have also been impressed at the Department commissioning a report on the issue of cyber bullying by a group of senior students from three of the Island's secondary schools – the presentation of their report and the pledge to follow-up on its recommendations by the Children's Services Partnership, gives me hope that this blight on modern school life can be addressed.

19. Music Service

Our island is blessed with hundreds of talented young musicians. I have been contacted by young people and parents asking that the DEC music service be more proactive in offering opportunities for them to work together and share new experiences. I also heard from the Erin Arts Centre that their offers for music students to attend concerts and workshops with top visiting musicians were not taken up. The current generation of parents have also called for a revival of the Manx Youth Choir, looking back at the success of the Alan Pickard years, with opportunities for travel and promoting the island. The DEC's response to this would be of interest.

20. Summer use of schools

Our schools offer fabulous resources and the open access policy for use of grounds during the holidays is appreciated. However, some have asked whether the summer programme offered by DEC through Manx Sport and Recreation could be widened to offer a broader variety of courses to older children, for example, the opportunity to learn first aid skills, intensive music or drama weeks; cookery, arts and crafts, even introduction to safe driving/driving theory.

21. Holiday jobs

Children who are not yet 16 are rightly protected and there are limitations on the hours permitted to be worked. However, I have received complaints that under 16s are finding it increasingly difficult to find holiday work or weekend jobs to gain valuable work experience. An online register of employers prepared to take on under 16s for part-time work (similar to one already available at Ballakermeen High School) would be helpful.

CONCLUSION

My first year has demonstrated that issues faced by children and young people are many and varied. I would welcome Council of Ministers' feedback on matters covered in this report.

There are areas of concern that are not included, for instance I have made no mention of young people's mental health or drug use. That is purely because I have not had any correspondence on those subjects – neither from service users nor providers. I await with interest the new Drug and Alcohol Policy from the Public Health Directorate.

Much of the content of this report reflects subjects and opinions that have been raised with me from multiple sources, and I acknowledge that opinion is not always factual. I would seek a response to the questions raised, namely:

1. Publication of the Scottish Inspectorate Review of June 2016
2. A statement on the intention of the Department of Education and Children in respect of home schooled children
3. Clarification of the policy of religious education in IoM primary schools
4. An urgent review of the options for re-locating St Thomas's Church of England School and communication with parents
5. Support for the changes made to the Corporate Parenting Group, and a pledge to review policies concerning looked after children
6. Verification and publication of the Isle of Man secondary school league tables
7. Consideration of new coercive control legislation
8. Consideration that IoM Law Society members are represented on the Legal Aid Committee by a practising Legal Aid Advocate
9. Review of the family contact service
10. Confirmation that children's obesity and oral health will be a priority of the Public Health Directorate
11. Confirmation that the Island's Orthodontic service will provide continuity and a high standard of care for its young patients
12. Confirmation that allergies policies will be rolled out across all schools
13. Commitment to upholding anti-bullying policies and implementing the recommendations to combat cyber bullying.

The impact of recent policies – education funding cuts and the failure to address childhood obesity and oral health – will impact on our young people for many years. I

was surprised to read (IoM Social Attitudes Survey 2017) that our children are less healthy than those in Jersey, even though our older people are healthier.

It is for the current government to address the failures of the past and demonstrate how the Programme for Government will ensure better provision of health and education services for the current generation.

I will continue to monitor all the above and will work to seek solutions to ensure better outcomes for children in partnership with many people, agencies, educators, health care professionals and the young people themselves.

Daphne Caine MHK

Children's Champion

14 August 2017

APPENDICES

1. Letter from home educated student

2nd August 2017

Dear Daphne Caine, MHK,

My name is **[Name given]** . I'm thirteen years old. I've been home educated my whole life, I've never been in a school environment. I've never been to school because my mum used to be a secondary school teacher before she had us, so she knows what happens in schools and she didn't want to put us into that environment. Now that I'm older and have seen and heard what children have to go through in school, I wouldn't want to go to school. I've never been forced to be home educated, my parents have also given me the option of going to school, I've just never been interested in going. I like being home educated because I get to pursue my own interests more than I would at school. It's also more focused on me than it would be at school, for one I'm not been taught by someone who doesn't know me and I'm not being taught in a massive group either. My mum puts a lot of work into teaching us in a way that suits us and also having good resources to teach with or us to learn from by ourselves. Being home educated has and is teaching me how to be independent and I also learn about myself: what I like, what I don't like and how best I learn. I don't think I'd learn that at school.

I wouldn't like to go to school, especially not secondary school. I've known kids who I've been friends with go into secondary school and become nasty, insecure, very competitive in an unhealthy way. I also know kids who've been taken out of school because of bad bullying. I think all this is because they've been put into a fake environment where people are constantly being measured up against each other which causes great stress and people to either become big-headed or low on self-esteem. And I can't see how that helps kids become successful in the real world. You are also forced to do things that aren't relevant to you.

I know the government and adults worry about home educated kids not being socialised properly. They also worry about home educated kids not having a good education and us just being in the house doing nothing. Firstly, I socialise like any normal person does, going out and doing things. When I was younger I used to do a lot of activities: sports, art, drama, Rainbows, dance class and now I've tried a lot things, I just do the ones I like the best. Also home educators meet up regularly. That's how I socialise. Secondly, it'd be impossible for me and my brothers to do nothing all day because my mum makes sure we do productive things and people are constantly watching us, so if we did nothing all day it wouldn't go unnoticed. Me and my brothers have grown up with people (adults and kids) fishing into our private lives: asking us where we live when we're walking the dog, I've been asked maths questions, what we do with our time and so on... When people find out you're home educated they immediately assume you do nothing and you have to prove you're getting a good education. It gets tiring and gives my mum a lot of stress, but we've got used to it. So

the government really shouldn't worry about checking up on us because we get tested virtually every time we go out.

I don't want this law about monitoring home educators to go through because I don't want be watched and judged anymore than we already are. I also I don't see why home educators have to constantly justify and prove ourselves to people who should really mind their own business. School kids don't have to prove that they get a good education and are quizzed every time they go somewhere new, so why should home educated kids? It's because we do things differently and people don't like what's different, but that doesn't justify people poking their nose into my life. We already get that enough. I don't want the government knowing private things about me: what books I read, what subjects I'm good at and the ones I struggle with, how I like to spend my time. My parents know that, like all parents do and should. I don't want a stranger reading about me and judging my life; it's personal and not supposed to be seen by the government.

Thank you for your interest and I hope you will help us.

Yours sincerely,

[Name given]

2. Allan Norman home education report

An abstract painting featuring two faces. The face on the left has large, expressive blue eyes and a wide, open red mouth. The face on the right has dark, swirling eyes and a smaller, closed red mouth. The background is a dense, textured mix of dark reds, purples, and yellows, with various splatters and brushstrokes. The overall style is expressive and somewhat chaotic.

Universal Declaration of Human Rights, Article 26

- (1) Everyone has the right to education...
- (2) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms...
- (3) Parents have a prior right to choose the kind of education that shall be given to their children.

Home Education and Human
Rights on the Isle of Man

Allan Norman

July 2017

Part A - Introduction

1. I have been asked to provide an opinion on the framework for home education on the Isle of Man. I open with clarifying three points by way of introduction: why I have been asked for an opinion at this time; why the request has been directed to me; and what my standing is in relation to home education. The heart of my advice follows thereafter, under three broad headings:
 - ❖ **Firstly**, I set out (at part B) the human rights framework of the right to education, within which any consideration of home education must be framed;
 - ❖ **Secondly**, I review (at part C) the existing framework on the Isle of Man against the human rights framework I set out; and
 - ❖ **Thirdly**, I raise issues (at part D) that must necessarily be considered and addressed if consideration is being given to changing the existing framework, by legislation or otherwise.
2. The request for this advice comes jointly from two sets of parents on the Island who home educate. I have been provided, with consent, with correspondence from several more sets of parents, between those parents and various branches of the Isle of Man government. My understanding is that the immediate concern that has prompted the request for my advice is proposals in the legislative programme for the Isle of Man in the coming year for new legislation relating to education, and for that legislation to include specific proposals relating to home education. The concern of the parents is that their perception of the proposals is that they tighten government control over home education in particular, rather than creating a rights-based framework for children's education.
3. Although I understand that those legislative proposals have recently been deferred, and are likely to go out for consultation later than originally anticipated, parents have expressed a separate concern that, recently, the existing legislative framework has been re-interpreted in a way that is more intrusive upon their exercise of their rights to home educate – that is to say, practice on the ground is changing even in advance of new legislation. I therefore consider that concern also.

A-1 – My Approach

4. I am a registered social worker, practising independently in England. According to the Global Definition of the Social Work Profession (International Federation of Social Workers, 2014), human rights are "central to social work". My Code of Ethics (BASW, 2012) says that,

"Social work is based on respect for the inherent worth and dignity of all people as expressed in the United Nations Universal Declaration of Human Rights (1948) and other related UN declarations on rights and the conventions derived from those declarations."

5. My regulator, the Health and Care Professions Council, requires in its Standards of Proficiency (HCPC, 2017), that I assist people "to understand and exercise their rights".
6. Human rights are a particular interest of mine, on which I have written widely. My legal casework in the past has included representing [the first known case awarding compensation for a breach of human rights in relation to child protection](#), and [a legal opinion that set out](#) – in advance of the legislation being passed – why Scotland's "named persons" scheme would be found to be in breach of human rights law, as indeed the Supreme Court of the United Kingdom subsequently found. I will have particular cause to make reference to that litigation and decision below, since it is highly pertinent to considering and addressing how proposed changes to the legislative framework may or may not comply with the human rights they are intended to address.
7. It is perhaps in the light of that background that I was asked to come to the Isle of Man in October 2016, when I gave a presentation addressing the human rights framework within which children's services must operate.
8. This advice, however, is related narrowly to home education. I should therefore make clear at the outset that I do not home educate, and my children have never been home educated. I have, however, frequently encountered home education issues in the course of my work. I have had cause to discuss home education issues with many parents, and with local authorities in England, in order to address disputes that have arisen.
9. My perception – as indeed I might expect given the nature of home education – is that there is no single coherent approach taken by those who home educate. The reasons

why parents find themselves home educating are many and varied, but they have included in particular:

- ❖ where children have particular disability-related needs, and parents have struggled, and failed, to secure education that addresses their needs;
- ❖ where children have experienced bullying, or were school-refusers, and parents have felt that schools were not appropriately addressing those issues;
- ❖ where children's school attendance has been poor, and has triggered action against parents, who have then felt better able to manage their children's education at home;
- ❖ where children have been discouraged from attending school, and have even been actively de-registered ("coerced de-registration"), where their presence at school was considered harmful to the interests, auditing or regulation of the school;
- ❖ where children with birthdays late in the academic year have struggled in the early years of education, and home education has left them better prepared to enter mainstream education later;
- ❖ where parents who have relocated have had to home educate temporarily, as no places were available in the short term;
- ❖ where the available subject choices, and combination of subject choices, at secondary level have prevented children from accessing education relevant to their specific plans or preferences, so that home education has been necessary to achieve them;
- ❖ where parents have been concerned that the ethos of schooling, and the conformity that is required for effective group schooling, is contrary to the interests of their child.

10. I suspect it is only the last of those categories that matches with a popular public perception of home education as an exercise undertaken by parents detached from mainstream worldviews. However, it is noticeable, reflects my own experience, and will be reflected in this advice, that many of the reasons for home education that I have encountered reflect engagement with and then disenchantment with - or even a need to address the failings of - mainstream education. Indeed, it is apparent from some correspondence I have seen on the Isle of Man, that this issue is relevant there also.

11. Meanwhile, local authorities set out a range of concerns about those who home educate:

- ❖ that schools need to address issues such as bullying and truanting in ways that take account of the wider school community and are not disruptive of the education of the wider school community;
- ❖ that the principle of choice in relation to education can be particularly costly when it becomes related to disability-related needs, so that resource implications must constrain parental choice;
- ❖ that visibility of a child within the State education sector provides some reassurance that the child's well-being can be monitored; and by implication that the comparative invisibility of the child who is home educated raises concerns that the child may be vulnerable to abuse or neglect;
- ❖ that education in classes and in a school environment, better prepare children in the necessary skills of relating to other people;
- ❖ that the subject matter covered by those who home educate does not meet State-schooling expectations of the opportunities that education ought to address.

12. In the result, it can seem that the concerns of home educators and government arise in most cases because each perceives the deficiencies and limitations of the other. The ground becomes set for a dispute over who ought to control how those deficiencies are addressed, and by what means.

A-2 - Issues on the Isle of Man

13. I have referred to the fact that draft legislation has been deferred. While correspondence addressed to home educators has referred to future opportunities that will be available for consultation once the proposals are known, those who have asked for my advice have understandably raised a prior question: what is the "pressing social concern" which is perceived to require proposed legislation? It is a good and relevant question. Some insight may be gained from an email from the Department of Education and Children's Director of Strategy and Corporate Services. In it, she stated as follows:

"The Department's concerns about home education are that the current Education Act 2001 only requires the Department to be notified of the intent to home educate, therefore there remains the risk to the child that they are not getting an education of an acceptable standard. This matter has been described in English case law in both *Harrison and Harrison v Stevenson* appeal 1981, Worcester Crown Court (unreported) and *R v Secretary of State for*

Education, ex parte Talmud Torah Machzikei Hadass School Trust, judicial review 1985."

14. What is startling about this is that it cannot be said to reveal any pressing social concern giving rise to a need for legislation whatsoever. The caselaw referred to is between 30 and 40 years old, and is well settled. The existing legislation referred to by the Director, the Education Act 2001, post-dates the earliest case by a full 20 years, and it is hard to see that there is any basis for assuming that it does not address the issues. (I reviewed the existing legislation, and find that it does seem to be adequate to address the risk identified by the Director above, at C-3 below.)
15. Moreover, the risk identified by the Director is "the risk to the child that they are not getting an education of an acceptable standard", and seems to arise on the basis that the Department does not receive information on standards of home education. That this might suggest that the Department is ***looking for a problem rather than has identified a problem*** is further evidenced by a response dated 26th July 2017 to a Freedom of Information request. That request asked of the Department;
"how many written notices have been served on a parent under Section 25 (1) of the Education Act 2001 because it appeared that a child educated 'otherwise' [a home educated child] was not in receipt of a suitable education?"
16. We know from the response that the number of times that Department has even started to use the existing framework to investigate concerns about home education over the last two years can be counted on the fingers of one hand - or as the official answer puts it,
"the Department is refusing to disclose some of the information requested... because the relatively low number of notices served may make identification of an individual or individuals possible... I can however disclose that less than 5 written notices have been served..."
17. Supplementary questions asked about the use of enforcement powers, including submitting a child for examination or assessment, the use of School Attendance Orders, and prosecution for offences. The answer to all the remaining questions is pithy, pertinent and memorable:
"the answer is none."

18. That is to say, having identified the possibility of a concern about home education in a handful of cases, **every one of those concerns was answered and addressed without needing to make any use of existing enforcement powers at all.**
19. As I indicated, the appearance is that **the Department is seeking new powers to allow it to look for a problem, it is not seeking new powers in order to address a problem,** as not a single case in the last two academic years has required the use of any further enforcement powers.
20. Is that legitimate? It seems entirely apposite to begin with first principles, which I suggest means unpacking the human right to education.

Part B – The Human Right to Education

21. Human rights, as conventionally understood, are grounded in international treaty rights. I have already made reference to my Code of Ethics, which highlights the importance of the United Nations in this regard. In Europe, and indeed on the Isle of Man, some of those rights are embodied in the European Convention on Human Rights, and given legal effect by the Human Rights Act. Nonetheless, the meaning of those rights is found – by the European court, and by domestic courts, including the example of the UK Supreme Court which I will explore – with reference to other agreements and in particular the United Nations Convention on the Rights of the Child.
22. Going forward, I will refer to the United Nations Convention on the Rights of the Child as the UNCRC; the European Convention on Human Rights simply as the Convention; and the Universal Declaration of Human Rights as the Declaration.
23. The UN Convention on the Rights of the Child should not be understood as giving children distinctively different rights – some kind of "children's menu" of rights. Rather, as is made clear in its introductory words, and the phrases peppered throughout it "State Parties shall promote...", "State Parties undertake...", "State Parties agree...", "State Parties shall take appropriate measures..." etc, the UNCRC sets out what governments and parliaments need to do to give effect to children's rights.

B-1 – Education As the Child's Right

24. The right to education, in Article 28 of the UNCRC, opens with these words:

"States Parties recognize the right of the child to education..."

25. There are two principles of importance that should not be overlooked in the generality of that phrase. Firstly, ***education is the right of the child***, rather than of the parent. Secondly, ***not to educate is not an option***.
26. That phrase alone, however, does not determine who decides the framework for education, nor what it should look like.

B-2 – The Framing of Education as the Parents Right

27. Article 26 of the Declaration - reproduced on the cover of this advice - specifically sets out that,

"Parents have a prior right to choose the kind of education that shall be given to their children."

28. It is important to note that this is set out as a parental ***right***, and not as a parental ***responsibility*** or parental ***duty***. Current Isle of Man legislation, which refers to a duty, needs to be interpreted to take account of this. (My understanding is that the Island's Human Rights Act may have come into force later than its Education Act 2001. Nonetheless, since it is in force, the Education Act 2001 has to be interpreted in a way that is compatible with Convention rights.)

B-3 – The Content of Education

29. I have seen reference in exchanges of correspondence to UK case law regarding the minimum content of a home education curriculum. That case law, in the face of specific challenges, sets out some minimum expectations, but certainly does not establish any principle that the State should determine the educational curriculum of home educators, nor measure their performance against a national curriculum.
30. The UNCRC, while containing no curriculum, is very instructive on the purpose – and by logical extension the nature – of the education to which all children have a right. It is instructive to reproduce it in full:

Article 29

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;
- (c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;
- (d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;
- (e) The development of respect for the natural environment.

31. It may be noted that while education for conformity, for engagement with the modern world, vocational training and education directed towards assessment and measurable attainment are **not** mentioned, education around a child individual needs, education to understand rights and freedoms, education to understand and respect difference, and education to respect the environment, **do** feature.
32. I have set out in opening some of the perceptions I have encountered on the part of both home educators and local authorities in England about the deficiencies of each other's models of education. I observe at this point that in terms of State compliance with the UNCRC, there is nothing inherently problematic with home education at all; while there are several challenges for State education to overcome to be UNCRC-compliant.

B-4 – The State's Role to Support the Parents

33. I have indicated that differences between home educators and public authorities can come to a head in clashes over who controls education. Here it is instructive, while continuing to draw on the UNCRC, to turn to the dispute that developed in Scotland, over of whether the State had the right to keep an eye on the well-being of all children

through its "named persons" scheme. The Lord Advocate on behalf of the Scottish Government and Parliament specifically advanced in argument that it was complying with the UNCRC in keeping the well-being of all children under its watchful eye:

89. In their submissions, the Ministers treated the promotion of children's wellbeing as being in itself a legitimate aim under article 8. They relied on international instruments in which the term "wellbeing" is used, although possibly not in quite as wide a sense as in the 2014 Act. For example, article 3(2) of the UNCRC provides:

"States Parties undertake to ensure the child such protection and care as is necessary for his or her wellbeing, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures."

[The Christian Institute & Ors v The Lord Advocate \(Scotland\) \[2016\] UKSC 51 \(28 July 2016\)](#) at paragraph 98

34. Here, the Supreme Court had to consider how this argument matched against legally enforceable human rights (now referring, therefore, to the European Convention on Human Rights). These legally enforceable rights create a framework in which, generally, individuals are entitled to seek assistance from the State, or to choose to manage without unwanted State interference. It is only where it is necessary and proportionate for the State to interfere (under Article 8), and more particularly where the State has a duty to protect a child from inhuman or degrading treatment (under Article 3) that unwanted State interference is generally permitted.
35. Reconciling this legally enforceable framework under which State interference is severely constrained, with the very expansive interpretation from the Scottish government of its right to oversee the well-being of all children, the Supreme Court turned back to the UNCRC:

72. As is well known, it is proper to look to international instruments, such as the UN Convention on the Rights of the Child 1989 ("UNCRC"), as aids to the interpretation of the ECHR. The Preamble to the UNCRC states:

"the family, as the fundamental group of society and the natural environment

for the growth and wellbeing of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.”

Many articles in the UNCRC acknowledge that it is the right and responsibility of parents to bring up their children. Thus . . . article 18(1) provides that:

“States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be **their** basic concern.” (Emphasis supplied [by the Court])

Articles 27(3) and 18(2) make it clear that **the state’s role is to assist the parents in carrying out their responsibilities**, although article 19(1) requires the state also to take appropriate measures to protect the child from all forms of abuse or neglect. [My emphasis]

36. So, the Supreme Court reaffirmed that the primary responsibility for the well-being of children rested with parents; and that the primary responsibility of the State should be interpreted as providing support to parents in the discharge of their responsibilities. And the notion that the State had a right to oversee the well-being of all children received a simple brush off (paragraph 89):

"The promotion of the wellbeing of children and young people is not, however, one of the aims listed in article 8(2) of the ECHR."

37. That single sentence summarises that the Supreme Court is saying that States do indeed have a role to support and assist parents in promoting the well-being of their children; but that role provides no framework to authorise arbitrary interference.
38. By analogy, I have pointed out that the right to education, like well-being, is first and foremost the child's right (see B-1 above); but the right and the responsibility to secure it, like well-being, is first and foremost that of the parents (see B-2 above). The State has a responsibility to support the parents in the discharge of their role, which it would typically do by making effective State education available for all children who need it.

39. It might also properly offer its support to home educators, and ought particularly to do so if home education is taking place because of the deficiencies of State education. But if it seeks to go further, to control, monitor, or regulate home education, that must be necessary and proportionate in pursuit of a legitimate aim. Moreover, given my opening remarks about reasons for home education frequently matching deficiencies in State education, it would be impossible for the State to discharge its responsibilities of support without first turning its attention to addressing such deficiencies.

Part C – The Current Framework in the Isle of Man

C-1 - Section 1 - General Duties of Department

40. The current framework in the Isle of Man is to be found in the Education Act 2001, as amended by the Education (Miscellaneous Provisions) Act 2009.
41. In many respects, the legislation reflects a long-standing framework, that has broadly been mirrored in England, and that reflects the understanding of human rights previously set out. However, there are significant differences of emphasis, effect and possibly interpretation, which give rise to real concerns about Convention-compliance. One of those goes to the heart of the current concerns of home educators that have been brought to my attention.
42. The 2001 Act opens, in section 1, with affirming a duty upon the authorities to promote education, and to provide a State education system. This is consistent with a human rights framework under which State authorities have duties to secure children's rights (see B-1 above); and to provide support to parents in achieving this (see B-3 above). This is unobjectionable.
43. The following subsection, 1(2) of the 2001 Act mirrors English legislation (Education Act 1996, section 9), in requiring adherence to the principle so far as possible that education reflects parental wishes:

"In the performance of its functions under this Act the Department shall have regard to the general principle that, so far as is compatible with the provision of efficient education and the efficient use of resources, pupils are to be educated in accordance with the wishes of their parents."

44. This is consistent with the human rights principle that the framing of the child education is a parental right (see B-2 above), and that State authorities assist parents to achieve it (see B-4 above). This, too, is unobjectionable.
45. Two specific reasons are given why parental choices might not be given effect. The first relates to efficient delivery of the State education offering; and the second to the resources that might be required to give effect to parental choice. It is worth unpicking this a little more. Home education does not, in and of itself, interfere with the efficiency of the State education sector, nor does it detract from the resources available to deliver State education.
46. Properly understood, these two reasons given for not giving effect to parental choice have to be seen as constraints upon the support that is given to parents through the State offering. Whether they are appropriate constraints is a pertinent question. But it is clear what they are not: they are not a constraint on the right to home educate; nor are they any indication that the State offering is superior; nor do they provide any basis for moulding home education to the State offering.
47. My opening observations included that home education is all-too-frequently a response to the deficiencies in the State education sector, and my further observation here is that organisational and resource constraints are expressly permitted to constrain the State offering. Great care needs to be taken whenever home education is responding to the deficiencies of the State offering, in terms of support for special educational needs, addressing bullying, truancy, absence of parental choice, etc, before steps are taken to force children back into a system the limitations of which are expressly acknowledged in section 1(2).

C-2 - Section 24 - Duty of Parents and "Education Otherwise"

48. The right to home education in particular is generally accepted to derive from the words "or otherwise" now found in section 24 of the 2001 Act.
49. I pause to observe that it is an unfortunate use of language that the right of a child to an education, and the right of a parent to frame that education (see B-1 and B-2 above) are framed within Isle of Man legislation in the legislative provision setting out a "duty" upon parents. This language might not be significant, **but for** the immediately following provision within the Isle of Man legislation, which on its face leaves parents carrying the can for all the inadequacies of the State sector, since these are included within the duty framed. After all, I have shown that in human rights terms parents

rights are also expressed as responsibilities, and I observe that even though the equivalent English legislation now says that parents "shall cause" their child to receive an education, the language of "duty" was there in the original 1944 Education Act, and is still there in the heading of the section. Since parents have a right and responsibility to frame their children's education, and children have a right to receive one, it is not completely unreasonable to frame a duty upon the parent.

50. However, in the Isle of Man, the 2001 Act continues with these words:

"24(2) The Department shall enforce the duty imposed by subsection (1)."

51. These words are highly unfortunate; and are not mirrored in the English legislation. I have set out the human rights framework in which the primary responsibility of the State is to support and assist parents in giving effect to their rights (B-4 above). Section 24(2) on its face includes no acknowledgement of that. Indeed, it moves from having expressed that parental right as a duty straight into punitive measures ("enforcement") against parents considered to fall short. Moreover, it does so against the backdrop of having already limited the State's own offering. I suggest that the failure to acknowledge the parental right (B-2 above), and the failure to acknowledge the State's duty of support (B-4 above), and instead moving from parental duty straight to State enforcement is not human rights compliant.

52. Moreover, *State* enforcement of a parental duty as expressed here begs more questions than it answers, as a matter of statutory construction. A parent's responsibility to secure an education for their child cannot be enforced without reference to the State education sector. After all, the Act does not require every parents to home educate. Indeed, almost all parents discharge their responsibilities through the State education sector. If that State education sector is failing, then enforcement of that "duty" surely ought to start by putting its own house in order,.

53. The following two sections do, as I have indicated, create an enforcement framework. Suffice to say that, to the extent that it appears on its face to be directed towards parents who are not educating their children that in itself is unobjectionable. Since I have opened by observing (see B-1 above) that education is a child's right, and non-education is not a permitted option, the State can certainly step in where a child is not receiving an education.

54. These two sections do not, on their face, create any right to enforce any particular regime of home education in which the curriculum, the hours in which it is delivered,

the place in which it is delivered, or any other such element is enforceable. Any attempt to apply it thus would fall foul not only of human rights principles, but of section 1(2) of the 2001 Act also.

55. Between these clear propositions (that enforcement where a child receives no education is unobjectionable; but enforcement of the child receiving a particular form of home education is impermissible) is a grey area. It is an area that would benefit from being less grey, so I will attempt to unpick it.

56. I have said (A-2 above) that it appears that that Department is seeking powers to look for a problem, rather than to address a problem. How might it find a problem that it has not found with its existing powers? There are at least these two possibilities:

- ❖ By seeking new powers to go looking for the problem, for example powers of access to the child; or to require reporting; or
- ❖ By redefining the problem it is looking for, for example by being more prescriptive about what constitutes a "suitable education".

57. I consider each of these in turn, as I consider the following two sections.

C-3 - Section 24A - "The Parents of the Child Must Notify..."

58. Section 24A contains provisions requiring notification of arrangements for the education of a child. I have seen a suggestion that the general wording of the opening words of that section, "***the parent of the child must notify the Department in writing of the arrangements made***" is sufficient to allow the Department to explore the nature of the educational provision.

59. That cannot be right. The section itself is mandatory and prescriptive in relation to what needs to be notified, and when. It contains no broader enabling powers to extend its own notification requirements by means of subsidiary legislation, guidance or discretion. To read that this power enables additional information to be sought is incompatible with the human rights requirements (set out in the box at D-2 below), that lawfulness requires accessibility, foreseeability, precision, and protection from arbitrariness.

60. In any event, the requirement in the 2001 Act is that suitable education is

"efficient full-time education suitable to his age, ability and aptitude and to any special educational needs he may have".

61. I venture to suggest that in the light of Article 29 of the UNCRC (see B-3 above) and what it says about the nature and purpose of education, education is best seen as deficient where it is not directed towards the individual child and their understanding of their rights and freedoms; and is not deficient merely because it does not mirror State education in terms of place, hours, curricular, assessment, audit etc. Moreover, State education ought to be measured against the same criteria found in Article 29.

C-4 - Section 25 - "If It Appears to the Department..."

62. Section 25 contains the detailed provisions for "enforcement of parent's duty". I have already commented that that phraseology is unfortunate (C-2 above) and that any such enforcement must be constrained by the actual terms of the legislation rather than being conceived as a freestanding power of the Department (both C-2 and C-3 above). The actual provision to enforce is triggered by it appearing that a child is not receiving suitable education.
63. The phrase "if it appears" is critical to the understanding of this provision. It reflects an uncomfortable compromise between the rights of parents on the one hand, and the wishes of the State on the other to protect the rights of children. It is an uncomfortable compromise for both parties. For parents, it is uncomfortable because it embodies the principle that their right to home educate is not unfettered, and that there may come a point at which the State steps in. For the State, it is uncomfortable because it embodies the principle that the right of the State to step in is not unfettered, and there may be a point before which it has no such right to step in.
64. While uncomfortable for both parents and authorities, the existence of such a threshold is critical to human rights compliance. Because States can interfere in private life where it is necessary and proportionate to do so; because failure to educate a child is not a permissible option; because states have a human rights duty to protect children from inhuman or degrading treatment, for all these reasons there must come a point at which States can intervene. Equally, however, because interference in family life must not be arbitrary, unnecessary or disproportionate; because the right to direct and choose a child's education is a parental right; because the primary role of the State is to support parents rather than impose upon them, for all these reasons the right of the State to interfere has to be limited.

65. Moreover, the ways in which the rights of the state are limited are sufficiently clear by the phrase "if it appears...". In particular:

- ❖ interference must not be discriminatory, must not be based upon any presumption that a particular characteristic of an individual or family automatically gives rise to concerns;
- ❖ interference cannot be universal either, there can be no presumption of the appearance of concern in every case, since the concern must be triggered by facts specific to the case in issue;
- ❖ interference must be triggered by something, and the decision to interfere must be justiciable (that is to say, the Department cannot say "we thought we had concerns and that is enough", the Court can always go behind such an assertion to find out whether the appearance of concern had a genuine basis).

66. In summary, the existing provisions do leave something to be desired in terms of felicitous use of language, and in particular the unnecessary and misleading section 24(2). Overall though, properly interpreted, they do represent a balance between the competing rights and responsibilities, and can be interpreted in a Convention-compliant way. The better approach to any exercise revisiting the legislation would be to address the infelicitous drafting, and to prevent tightening up the language to prevent authorities overreaching themselves. What is to be feared is a loosening of language or extension of power that would encourage authorities to overreach themselves.

Part D – Changing the Law

67. In opening, I observed that my understanding is that legislative changes, including in relation to home education, have been proposed.

68. In closing, I highlight therefore issues arising from this advice that the legislature (the Tynwald) need to have in mind in any proposed changes:

- ❖ Can existing legislation be interpreted in a Convention-compliant way?
- ❖ what process and rationale is required when considering legislative changes?

D-1 –Can Existing Legislation Be Interpreted in a Convention-Compliant Way?

69. Like its earlier English counterpart, the Human Rights Act 2001 requires legislation to be interpreted where possible, in a Convention-compliant way. That would mean:

- ❖ That State authorities cannot "blame-shift", by taking punitive action against parents who are dissatisfied with the State offering, while deficiencies in that offering are not addressed; and
- ❖ That State authorities acknowledge they do not have authority to monitor children's education any more than to monitor their well-being; the authority to do so may arise from a partnership relationship between parent and State in educating the child; or from the existence of specific concerns about non-education that trigger the State's duty to protect a child from not being educated; but cannot arise simply because the intention to home educate has been notified, or because home education differs from State education; and
- ❖ That the purpose of education, both home education and State education should be understood to be the fulfilment of the potential of each individual child, including in particular their understanding of their rights and freedoms.

D-2 - What Process and Rationale Is Required When Changing Legislation?

70. States, through their international human rights obligations, commit to actively legislating to bring about these obligations (see UNCRC at Article 4) and to finding the necessary resources to do so (see UNCRC, again at Article 4):

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources. . .

71. Changes in legislation, like any other interference with human rights, need to fulfil all the staged requirements set out in the "named persons" case already explored. As there are no specific proposals to evaluate, I do not attempt to do so. Suffice to say if the nature of those proposals were, as those who have asked for this advice fear, to impose a blanket requirement upon home educators to report upon the nature of the

education delivered to their children, such proposals are unlikely to be lawful. By way of reminder and in conclusion, the various requirements for lawfulness against which any proposals need to be measured, are set out in the box below [paragraph numbers in square brackets]:

Requirements for Convention-compliant legislation, taken from [The Christian Institute & Ors v The Lord Advocate \(Scotland\) \[2016\] UKSC 51 \(28 July 2016\)](#)

"In accordance with the law"

[79] In order to be "in accordance with the law" under article 8(2), the measure must . .

- ❖ have some basis in domestic law. . .
- ❖ be accessible to the person concerned. . .
- ❖ [be] foreseeable as to its effects. These qualitative requirements of accessibility and foreseeability have two elements.
 - First, a rule must be formulated with sufficient precision to enable any individual - if need be with appropriate advice - to regulate his or her conduct. . .
 - Secondly, it must be sufficiently precise to give legal protection against arbitrariness. . .
- ❖ [80] . . .this court has explained that the obligation to give protection against arbitrary interference requires that there must be safeguards which have the effect of enabling the proportionality of the interference to be adequately examined. This is an issue of the rule of law and is not a matter on which national authorities are given a margin of appreciation. . .
- ❖ [81] In deciding whether there is sufficient foreseeability to allow a person to regulate his or her conduct and sufficient safeguards against arbitrary interference with fundamental rights, the court can look not only at formal legislation but also at published official guidance and codes of conduct. . .

"Proportionate Interference"

[90] It is now the standard approach of this court to address the following four questions when it considers the question of proportionality:

- ❖ whether the objective is sufficiently important to justify the limitation of a protected right,
- ❖ whether the measure is rationally connected to the objective,
- ❖ whether a less intrusive measure could have been used without unacceptably compromising the achievement of the objective, and
- ❖ whether, balancing the severity of the measure's effects on the rights of the persons to whom it applies against the importance of the objective, to the extent that the measure will contribute to its achievement, the former outweighs the latter (ie whether the impact of the rights infringement is disproportionate to the likely benefit of the impugned measure).

3. Voirrey Larkham letter re co-location of St Thomas's and Scoil Vallajeelt

Mrs Voirrey Larkham

[Address supplied]

29th July 2017

Mrs Daphne Caine MHK
Legislative Buildings
Finch Road
Douglas
IM1 3PW

Dear Mrs Caine,

Proposed Co-location of Scoill Vallajeelt and St Thomas

I am writing to you to express my deep concerns about the Government's proposal to co-locate Scoill Vallajeelt and St Thomas'. My children attend Scoill Vallajeelt which is a fabulous school with a great sense of community. When the co-location, in theory, takes place my children will be in year 5, year 2 and year 1 with my youngest child due to start school in September 2021.

I have been inside St Thomas' school and wholeheartedly agree that the facilities there are unsuitable and that something must be done. However, in this modern age where religion is a most divisive topic, I do not believe that creating a segregated 'campus' is the best option. In fact, I think this idea from the Department of Education and Children (DEC) has been ill thought out and appears to be a quick fix to a problem that has been avoided for too long.

I know that many of my fellow parents have written to you on the matter and I am choosing to write to you now that I have spent the time and effort researching the problem for myself.

The proposal, as it is referred to yet the two communities of parents have basically been told it is going to happen, is as follows: -

- Two head teachers will run the 'campus' – Is this an acceptable use of government resources?
- There will be two governing bodies
- Two curricula will be taught
- Each school will continue its individual character and ethos (including separate uniforms)
- Each school will retain its distinct policies, systems and procedures.
- There would be some relatively small cost savings with the co-location due to the removal of utility and upkeep costs for the current St Thomas' building.

The benefits have been identified as follows: -

- St Thomas' students will gain the option to a hot lunch
- St Thomas' students will have access to a sports hall, a dining room, a large field
- Staff from the two schools can share professional development training

Scoill Vallajeelt's ethos is "We are a learning community, working together to provide a safe, caring and supportive environment. Our learning journey will be creative, challenging and personalised to be the best we can." (<https://scoillvallajeelt.sch.im>). St Thomas's ethos is "Jesus at the heart of a learning community where every child and adult feels valued, and where every person is committed to achieving shared and personal goals." (<https://stthomas.sch.im>)

The core values of Scoill Vallajeelt are Honesty, Caring, Respect, Happiness, Fairness, Inspiration and Success. The core values of St Thomas' are Friendship, Love, Thankfulness, Forgiveness and Honesty.

How do I explain to our children, who have been christened in an Anglican church, that the boys and girls in the other classroom are of the same religious denomination but they need to attend a different Maths lesson and are required to wear different colours to do so?

I have spent time talking to some of the parents at St Thomas' and we are baffled how religious segregation under one roof in the 21st Century is acceptable. Keeping the two communities of children segregated is crazy and will lead to alienation and bullying. I am very interested to hear what the Department of Health and Social Care thinks about the emotional impact of the DEC's proposal. I have spoken to several healthcare professionals and they believe this can only be detrimental to our children's social progress in a modern world of such rich and diverse cultures. The DEC is describing Scoill Vallajeelt as a 'secular' school when the reality is that we have a very diverse mix of children who demonstrate that despite race or religion each pupil is equal. Is it fair to expect children aged between 4 to 11 years old to understand why they are being subjected to segregation and being made to feel different to their peers?

Living in the Isle of Man we have all grown up listening to the horrific devastation that religious differences caused, and is still causing, in Northern Ireland. The Northern Ireland Council for Integrated Education (NICIE) was formed as a charitable organisation to co-ordinate efforts to develop Integrated Education in Northern Ireland. This is to counteract religious divides and correct the errors of previous generations so why is the Isle of Man Government taking a backwards step?

Letters received from the DEC and Mr Cregeen in response to earlier correspondence from my fellow parents state that the Isle of Man Government has experience of co-location schooling. This argument, in my opinion, is null and void as it refers to the Bunscoill Ghaelgagh when it was initially based at Ballacottier Primary School. How can the Government expect us to believe that temporarily co-locating a group of between 9 to 25 students for 16 months even remotely compares to the permanent co-location, and segregation, of a full school consisting of an expected initial 72 pupils?

Other references to co-location made by the DEC and Mr Cregeen talk about a specially built campus, with some shared facilities, which accommodates a state school and a special needs school catering for pupils with a range of complex, severe and profound learning difficulties. A good example, which I have found, is in the Bradford City Metropolitan District. You can view this at the following URL. <https://www.tes.com/Upload/Attachments/TES/2942920/The%20Vision%20for%20the%20new%20Co-located%20Special%20Schools.pdf>. Again, this is not comparable with what the DEC is proposing for Scoill Vallajeelt.

Further research shows that co-location is not sustainable on a medium to long-term scale. The New Zealand Government published these findings following a consultation that looked at the co-location of Christchurch schools following the 2011 earthquakes. These co-locations covered many scenarios including secular and religious segregation with staggered start and finish times and resource sharing. The

full report is available at <http://shapingeducation.govt.nz/wp-content/uploads/2012/12/989-Co-located-schools-report-Final.pdf>

Here is some food for thought from the National Secular Society: -

“Secularism protects both believers and non-believers

Secularism seeks to ensure and protect freedom of religious belief and practice for all citizens. Secularism is not about curtailing religious freedoms; it is about ensuring that the freedoms of thought and conscience apply equally to all believers and non-believers alike.

Religious Freedom

Secularism seeks to defend the absolute freedom of religious and other belief, and protect the right to manifest religious belief insofar as it does not impinge disproportionately on the rights and freedoms of others. Secularism ensures that the right of individuals to freedom of religion is always balanced by the right to be free *from* religion.”

How does the DEC expect to operate a secular school with this ethos on one side of the fence which includes children of Catholic, Muslim, Hindu, Buddhist, Jewish, Anglican and humanist backgrounds and then house a specifically segregated group of Anglican child on the other side? It is ridiculous.

The Fair Admissions Campaign (fairadmissions.org.uk) states that religious selection by state school is “out of step with our international competitors. A recent study by the Organisation for Economic Co-operation and Development (OECD) showed that the UK was one of only a very few OECD member countries that permit religious selection at state schools (table 2.3 p15).”

The Fair Admissions Campaign agrees that segregation of children on religious and ethnic grounds is bad for community cohesion. They state “Community cohesion is vital for harmony in a plural society. But dividing and segregating children on religious grounds in schools means they grow up more, rather than less, removed from those of different backgrounds. Instead of promoting harmony, segregation promotes misunderstanding and allows mistrust of ‘The Other’ to more readily grow. Division on the grounds of religion can also have the added complexity of serving as a proxy for division on the grounds of race and ethnicity.”

My family regularly attends Marown Church and my children are part of the Sunday school. I have discussed the co-location with several parishioners and members of the wider Church of England community and we cannot fathom why the two schools need to be separate for 100% of the time. One vicar offered their opinion that only separate assemblies would be required and everything else could be merged.

On that note, our school parents have been taking part in a survey that will close soon and be analysed for submission to the Chief Minister. Parents from both Scoill Vallajeelt and St Thomas’ have been asked in the survey what aspects of school life they would like to see integrated for their children, should breakfast and afterschool clubs be created to help with car park congestion, can children share one uniform, etc? My personal feelings are that all aspects of school social life should be integrated – mainstream lessons, sports day, school trips, play times, lunch times, swimming lessons, house points, the Christmas concert at Kirk Braddan and most importantly a single uniform. Maybe as a partial merger the two streams of children could operate as a multi-form entry school when it came to religious education.

Taking a step back to look at how we have got to this point, I do not see why the St Thomas's situation has been left to fester for so long. The recent Freedom of Information releases have been enlightening and I see that several options have been investigated and ruled out. However, I do not believe that all of these options are void.

Option 1 - Reinstate Fairfield School

Fairfield School has sat unused in the DEC's estate since its closure in July 2016. The representatives of the DEC who attended the Scoill Vallajeelt meeting with parents on the 21st June 2017 explained that this site had been decommissioned and they would not entertain reopening the site for use by St Thomas' for this reason. I would like to know what needs upgrading on the site and how much that would cost the DEC. The site must be at an acceptable level as it stands now because it worked perfectly as an emergency site when Ballacottier Primary School was closed for its deep clean back in April of this year. Arguments about green space can be negated by the use of the Henry Bloom Noble site that is only down the road.

Option 2 – Reinstate Ballacloan School

Ballacloan has also sat unused in the DEC's estate since its closure in July 2016. As set out in option 1, this site could be upgraded. I again ask what upgrades are required to the site and how much would this cost the DEC? As with Fairfield, Ballacloan is within walking distance for use of the Henry Bloom Noble green facilities.

Option 3 – Conversion & extension of the retained former post-graduate medical centre on the Henry Bloom Noble site

As per the Freedom of Information Release No.IM91608I which included an extract from the DEC Accommodation Strategy Report 2016 12/7/16, The study established that separate 4 class/100 capacity school development is possible, with the sharing of the Henry Bloom Noble core hall facilities and external play/sports areas. I cannot see this idea being voided in the FOI release.

Option 4 – Property from the Church of England estate portfolio is donated

There must be something in the Church of England's portfolio that they could donate. One idea is that recently condemned All Saints Church in Douglas could be redeveloped and the green field facilities of Ballakermeen shared by the new St Thomas' site. The church hall has not been condemned but that could be utilised as well. As was the previous agreement, any property from the Church of England could be used rent-free and the church continues to not have to contribute funding to the school. (See FOI Release No.IM92848I)

Option 5 – Sales proceeds from disused properties in the DEC portfolio could be used to buy the old prison site for development into a new St Thomas' school.

The Church of England could assist funding. Temporary co-location would help with the timescale of building the school. Of the £3.8million extension plans of St Mary's, how much has been contributed by the Roman Catholic Church?

The DEC Service Delivery Plan 2016 to 2021, Section 6.1A13: Establish and deliver the Capital Programme and Minor Capital Programmes (page 43) shows future capital expenditure plans for Onchan Primary School, Scoill yn Jubilee and Willaston Primary School. I have submitted a Freedom of Information request asking for details of the extensions/redevelopments planned for each site and the expected costs of these projects. I don't understand why funding was planned for these schools and not St Thomas'.

In conclusion, I do not understand why this co-location proposal has been set in motion given no detailed investigative consultation has taken place. The proposal does not appear to be based on any proven models that specifically relate to religious segregation “under one roof”. I implore that you, in your role as the Children’s Champion, please seek answers for me so I can safeguard the emotional and educational welfare of not only my children, but that of future generations of Scoill Vallajeelt and St Thomas’ pupils.

Thank you in advance.

Kind regards

Voirrey Larkham

4. Scoill Vallajeelt leaflet

WE NEED YOUR HELP!

Proposed Scoill Vallajeelt & St Thomas' Co-Location

Dear Fellow Resident,

The Department of Education & Children (DEC) have recently announced the decision to co-locate St Thomas' school on the site of Scoill Vallajeelt from the 2018/2019 academic year. This highly controversial decision has been made without any consultation with either school's parents, the general public or any experienced professional bodies. We are told this was a 'Political Decision' with the educational experience of the children being the focus.

How will this impact the local community?

The position of the school in the top of the Saddlestone estate was not designed to be an all-island catchment school and the highway and parking infrastructure is not sufficient to accommodate a potential 70 additional vehicles in the morning and afternoon. Additional traffic will continue to increase with the growth of St Thomas' as it is an all-island catchment school and no doubt the small classroom sizes and facilities will be attractive to new applicants.

St Thomas' Facilities & Scoill Vallajeelt Infrastructure

The facilities at St Thomas' school are not up to standard and everyone would agree that they require new premises. According to a recent Freedom of Information release, this has been debated for the last 13 years.

Their proposal, issued 14th June 2017, is to subdivide the Scoill Vallajeelt building which was initially built for 142 pupils. An extension was added in 2005 but the sports hall and multipurpose dining room/assembly hall were not altered. The current number of pupils in Scoill Vallajeelt is 192 (predicted for September 2017). St Thomas' will add a further 72 pupils.

Religious Segregation

Segregation is defined as the action or state of setting someone or something apart from other people or things or being set apart. The DEC is proposing to separate the two schools based on religion, with separate identities, ethos and uniforms. Parents of both schools have expressed major concerns due to the fact that this co-location will result in religious segregation.

There is no denying the impact religious segregation has had in the UK and Ireland, and governments there are working to reduce the influence of Faith in education. The DEC is taking a backward step with this decision to segregate children under one school roof based on religion.

Is it fair to expect children of the age of 4 to 11 years old to understand why they are being subjected to segregation and being made to feel differently to their peers?

Our Education Minister, Mr Graham Cregeen, has been written to by many parents, as has the Chief Minister and other MHK's. To say the responses have been inadequate is an understatement. We have yet to receive a plan as to how two schools can operate in what is not a purpose built campus, or acceptable answers as to why other options were dismissed.

DOES CO-LOCATION WORK?

There has been research in many countries on this subject. It has been necessary in situations of natural disaster, as in New Zealand, where schools were required to share following the major earthquake of 2011 while rebuilding took place. However, evaluations after its implementation have shown that it is not a sustainable solution.

There are examples in the UK of purpose built co-located schools, where each school have their own building on a campus sharing some facilities. One such example quoted by the DEC to parents is where a state school shares a campus with a special needs school that caters for pupils with a range of complex, severe and profound learning difficulties.

They have also quoted a local experience of co-location where between 9-25 Bunscoill Ghaelgagh pupils were based at Ballacottier Primary School for 16 months before moving to their own premises.

It is our opinion that these are not comparable cases and our own research has failed to find a model where a religiously segregated campus exists. Religion is one of the most divisive global issues and it is unacceptable that the DEC has even considered this as a viable option, let alone pursuing it.

THE DEC HAS STATED THAT:

- Two head teachers will run the 'campus' – Is this an acceptable use of government resources?
- There will be two governing bodies
- Two curricula will be taught
- Each school will continue its individual character and ethos (including separate uniforms)
- Each school will retain its distinct policies, systems and procedures.
- There would be some relatively small cost savings with the co-location due to the removal of utility and upkeep costs for the current St Thomas' building.

THE DEC HAVE IDENTIFIED THE FOLLOWING BENEFITS:

- St Thomas' students will gain the option to a hot lunch
- St Thomas' students will have access to a sports hall, a dining room, a large field
- Staff from the two schools can share professional development training

The DEC has yet to respond to parent's requests to identify the benefits to the local community, parents and pupils of Scoil Vallajeelt.

HOW YOU CAN HELP

This move, in some way, affects every person currently living in Saddlestone and the surrounding area. It will affect future residents and future generations. The local infrastructure was not built to facilitate an all-island catchment school that may grow following the co-location.

We are asking for your support to stop this ill-considered decision proceeding and request that the Chief Minister takes urgent notice of the valid concerns we have for our children's personal, emotional and educational welfare. Proper consultation needs to be obtained in order that an informed decision can be made.

Please make your opinion count! Call, email or write to:

Howard Quayle MHK Government Office Rucks Road Douglas IM1 3PG Chief.minister@gov.im Tel: 685702	Graham Cregeen MHK Hamilton House Peel Road Douglas IM1 5EZ minister.DEC@gov.im Tel: 685820	Kate Beecroft MHK Crookall House Demense Road Douglas IM1 3QA Kate.Beecroft@gov.im Tel: 685002	Bill Malarkey MHK DHA HQ Tromode Road Douglas IM2 5PA Bill.Malarkey@gov.im Tel: 694300
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Thank you,

The Parents of Scoil Vallajeelt

References:
<https://shop.parliament.gov/legislation/legislation/2012/12/20/Co-located-schools-report-Final.pdf>
<https://www.scoils.com/Upload/Attachments/FILES/2042920/The%20Vision%20for%20the%20new%20Co-located%20School%20-%20Scoil%20Vallajeelt.pdf>
<https://www.scoils.com/Upload/Attachments/FILES/2042920/The%20Vision%20for%20the%20new%20Co-located%20School%20-%20Scoil%20Vallajeelt.pdf>

5. Isle of Man open data school league tables benchmarked against North West

ESTIMATED SECONDARY SCHOOL LEAGUE TABLES NORTH WEST

RANK	LOCATION	SCHOOL	GENSEL	FUNDING	FAITH	EB
1	Trafford	Altrincham Grammar School for Girls	G : YES	AC		95
2	Lancashire	Bacup and Rawtenstall Grammar	M : YES	AC		92
3	Bolton	Bolton School Girls' Division	G : YES	IND		90
4	Liverpool	The Blue Coat School	M : YES	AC		90
5	Blackburn with	Jamiatul-Ilm Wal-Huda UK School	B : NO	IND		89
6	Lancashire	Lancaster Girls' Grammar School	G : YES	AC		88
7	Wirral	Calday Grange Grammar School	B : YES	AC		85
8	Manchester	Manchester High School for Girls	G : YES	IND		84
9	Cumbria	Queen Elizabeth Grammar School	M : YES	AC		84
10	Lancashire	Lancaster Royal Grammar School	B : YES	AC	CH	82
11	Bury	Bury Grammar School Girls	G : NO	IND		81
12	Blackburn with	Tauheedul Islam Girls' High School	G : NO	AC	M	79
13	Wirral	Wirral Grammar School for Girls	G : YES	AC		79
14	Lancashire	Clitheroe Royal Grammar School	M : YES	AC		77
15	Cheshire East	The King's School In Macclesfield	M : NO	IND	COE	77
16	Wirral	Wirral Grammar School for Boys	B : YES	AC		77
17	Wirral	West Kirby Grammar School	G : YES	AC		76
18	Manchester	Withington Girls' School	G : YES	IND		76
19	ISLE OF MAN	BHS	M : NO	STATE		75.56
20	ISLE OF MAN	RGS	M : NO	STATE		75.35
21	Lancashire	Focus School - Hornby Campus	M : NO	IND	CH	75
22	Sefton	Merchant Taylors Girls School	G : NO	IND		75
23	Trafford	Loreto Grammar School	G : NO	AC	RC	73
24	Blackburn with	Tauheedul Islam Boys' High School	B : NO	FS	M	73
25	Wirral	Upton Hall School FCJ	G : YES	AC	RC	73
26	ISLE OF MAN	CRHS	M : NO	STATE		72.40
27	Trafford	Altrincham Grammar School for Boys	B : YES	AC		71
28	ISLE OF MAN	SNHS	M : NO	STATE		70.45
29	ISLE OF MAN	QE11	M : NO	STATE		69.17
30	Oldham	Westwood High	G : NO	IND	M	69
31	Blackburn with	Islamiyah School	G : NO	IND	M	68
32	Lancashire	Preston Muslim Girls High School	G : NO	VA	M	68
33	Trafford	Sale Grammar School	M : YES	AC		68
34	Wirral	St Anselm's College	B : YES	AC	RC	68
35	Stockport	Focus School - Stockport Campus	M : NO	IND	CH	64
36	Lancashire	All Hallows Catholic High School	M : NO	VA	RC	63
37	Bury	Manchester Mesivta School	B : NO	VC	J	63
38	Trafford	Urmston Grammar Academy	M : YES	AC		63
39	Bolton	Bolton Muslim Girls School	G : NO	VA	M	61
40	Liverpool	Liverpool College	M : NO	AS	COE	60

EXPLANATORY NOTES

A1: OPEN DATA

<https://www.gov.im/media/1355923/percentage-of-pupils-completing-year-11-attained-passes-at-grades-a-c-figures-ebacc.pdf>

<https://www.compare-school-performance.service.gov.uk/schools-by-type?step=phase&geographic=all®ion=0&phase=primary>

<http://www.telegraph.co.uk/education/2017/01/19/gcse-school-league-tables-2016-compare-schools-performance/>

A2: METHODOLOGY

Isle of Man subject results had to be summarised into an **estimated English Baccalaureate score** due to some limitations with the available proxy open data included in Freedom of Information responses from the Isle of Man Government (Department of Education and Children) to benchmark with open data on secondary school results from the UK Government (Department of Education).

The estimated secondary school league tables accuracy could be improved with minimum effort to collate exactly equivalent data such as **unique** pupils with a good pass in both English Language and Mathematics (30 minutes per school per year), etc.

Note that row #11 is highlighted yellow because the official UK Government dataset appears to be incorrect, i.e. MIXED rather than GIRLS ONLY.

Note that rows #21, #22 and #30 are highlighted yellow because the UK Government English Baccalaureate scores are rounded but the Isle of Man Government scores are calculated but not rounded.

A3: COLUMN CODES

(a) GENSEL

Gender

BOYS ONLY
GIRLS ONLY
MIXED

Selective – Academic rather than Faith

YES
NO

EXPLANATORY NOTES

(b) FUNDING

AS	Academy Sponsored – typically previously a lower ranked state school, now state funded but sponsored with arms length independence
AC	Academy Converted -- typically previously a higher ranked state school, now state funded but arms length independence
FS	Free School -- either a new state school or a converted independent school, state funded but with arms length independence
IND	Independent
STATE	state funded
VA	Voluntary Aided -- state funded but with arms length independence, typically faith and catchment area preference
VC	Voluntary Controlled -- state funded but with arms length independence, typically faith and catchment area preference

(c) FAITH

COE	Church of England
CH	Christian
J	Jewish
M	Muslim
RC	Roman Catholic

6. Letter from DHA – legislation on coercive behaviour



Isle of Man
Government

Reillys Ellan Vannin

Department of Home Affairs

Rheynn Cooishyn Sthie

Mrs Daphne Caine MHK (Garff)
Legislative Buildings
Finch Road
DOUGLAS
Isle of Man
IM1 3PW

Chief Executive
Mark Kelly
Chief Executive's Office
Headquarters Building
Tromode Road
Douglas, IM2 5PA
Telephone: [redacted]
E-mail: [redacted]

1st July 2017
August

Dear *Daphne*

LEGISLATION TO ADDRESS INCIDENTS OF COERCIVE BEHAVIOUR

Thank you for your letter of 26th July 2017. It was also good to be able to discuss matters relating to vulnerable children and adults by phone with you.

As we discussed a Bill is currently being drafted to address a number of issues in relation to sentencing, criminal justice and offender management. Amongst a number of key issues to be included will be updated and enhanced provisions to enable vulnerable persons, whether children or adults, to give their evidence in alternative ways sufficient to enable them to give their evidence at an earlier point in the justice process.

I have discussed this with the Minister and am happy to confirm that the Department is prepared to consider including coercive control legislation (following sections 76 and 77 of the UK Serious Crime Act 2015) within the Bill. You may also wish to be aware the Bill will also provide for Domestic Violence Prevention Notices/Orders so the Department is acting to empower the police and other agencies with appropriate legal pathways to address domestic abuse in various ways.

~~Yours~~ sincerely

[Signed J Lalor-Smith]

Julian Lalor-Smith
Director of Administration and Legislation

cc. Hon. Bill Malarkey MHK, Minister

7. Letter from IoM Law Society President re Family Court matters

THE ISLE OF MAN LAW SOCIETY

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Douglas,
Isle of Man, IM1 1AR.

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Website: www.iomlawsociety.co.im

16th May 2017

Ms D Caine MHK
Legislative Buildings
Finch Road
Douglas
Isle of Man
IM1 3PW

Dear Daphne

The Society writes further to our meeting with you on the 16th March 2017 on the subject of Court Welfare Officers and Civil Legal Aid and thank you again for your time in meeting with the Law Society to discuss such issues. We confirm receipt of your initial report headed Isle of Man Family Court Issues dated 24th March 2017 and Geraldine Martin's letter to you dated the 27th March 2017.

The Society wishes to make the following comments in respect to the above mentioned report and letter.

Court Welfare Officers

Mrs Martin's letter refers to the Probation Liaison Committee where a meeting took place on the 8th March, such meeting being held to discuss Probation and Family Court matters. I note that the meeting is chaired by Deemster Montgomerie, with the Deputy High Bailiff Mrs J Hughes, Clerk to the Magistrates' Courts Mr Stephen Tucker and two Magistrates in attendance. All of the abovementioned persons are involved either in the Summary Courts or Court of General Gaol Delivery, both Courts dealing with predominantly criminal matters.

In respect to Family Court issues, such as Court Welfare Officers, this is dealt with in the Civil Family Courts, presided over by Deemster Corlett and the High Bailiff John Needham who would be the most appropriate persons to discuss such issues.

Following my attendance at the Family Court Users Group on the 8th May 2017, chaired by Deemster Corlett and the High Bailiff it was raised by Pat Ingram (also in attendance with Geraldine Martin) that the welfare services would now be temporarily outsourced to Caroline Wilmot and Pat Ingram. Mrs Ingram stated at the meeting that waiting times for the filing of reports would hopefully reduce from 12 weeks to 8 going forward.

As far as I understand the service is currently being met in a timely and competent manner. It was raised at the meeting by Deemster Corlett to Mrs Martin that communicating the decision by The Isle of Man Prison and Probation Service following the resignation of Marilyn Danielson would have been helpful. A matter which I raised with Mrs. Martin personally during my telephone conversation with her on the 15th March 2017. This would have helped alleviate a number of concerns of the Courts and Advocates alike.

Public Law Care

This is an area of law that deals with matters such as Care Proceedings. Following a recent User Group meeting a request was made to the Legal Aid Committee to remove the Legal Aid

merits test in Care Proceedings cases. This was discussed at a meeting of the Legal Aid Committee who stated that whilst they looked favourably at the request they have requested statistics from the User Group as to the number of cases, types of party, who paid for representation and who represented the child. I would have hoped that Legal Aid would already hold much of this information and that they could implement the changes requested. Previously the User group wrote to the Legal Aid Committee in January 2016 with a similar request for the means test to be removed and again at that stage they were asked to provide a business case. They have in both instances now responded to Legal Aid but have not heard any further.

Legal Aid

Civil Legal Aid is available for those financially eligible to seek advice and representation on family dispute matters such as divorce and contact, areas that concern children and families. Often these families are the most vulnerable members within our society and need the help and assistance from their Advocate and Court services to address often very contentious issues. Legal Aid is also available in respect of Civil cases, such as personal injury or breach of contracts and Criminal cases, although the Criminal system is different to that on the Civil and Family side. I address the Civil and Family side below.

Following a Legal Aid Users Group meeting on the 2nd May 2017 chaired by myself and attended by Mrs Wendy Montgomerie (Legal Aid Certifying Officer), Christine Clucas and David Trace, Mr Trace being a member of the Legal Aid Committee, as well as practicing Advocates, I was informed that a Select Committee had previously made a decision to reduce the number of Advocates from the Legal Aid Committee, the Rules of the Committee do provide for some of members to be lawyers. At one time this Committee was predominantly made up with Advocates. Appointments to that Committee now are made by the Appointments Commission and recently a number of persons have been selected with either none or minimal experience of Legal Aid matters and at this time there are currently no Advocates sitting on the Committee.

The web site for the Legal Aid Committee provide as follows;

The Legal Aid Committee ('the Committee') is a body established under Section 23 of the Legal Aid Act 1986.

Their mission statement aims to promote access to justice in a manner which is fair, equitable, transparent and professional and which uses public resources carefully and effectively.

The administrative support for the Committee, and associated financial budgets for all aspects of Legal Aid (with the exception of cost assessments and the eligibility for Criminal Legal Aid both of which functions are currently within the General Registry), are provided by the Social Security Division of the Treasury.

Following recommendations by the Legal Services Commission and a Tynwald Select Committee, the Committee was reconstituted and its remit changed in 2013 to:-

- *set the strategic direction and to determine policy which shapes the development of the provision of legal aid in the Isle of Man*
- *overview its effective delivery*
- *review, as necessary, the actions of the Legal Aid Certifying Officer and their deputy.*

On reviewing this Committee's remit I find it difficult to see how a Committee made up of members who have no experience on the operating mechanism of the Legal Aid system can determine policies which shapes the development of the provision of Legal Aid in the Isle of

Man and as necessary review the actions of the Certifying Officers (Certifying Officers being required to have previously practiced as lawyers and understand Legal Aid).

A number of the policies introduced by the Legal Aid Committee have resulted in incurring additional costs and time for both the Legal Aid department and Advocates. A number of the policies have also prevented members of the public from obtaining access to justice. For example, certificates are issued limiting the time the Advocate can spend on a matter. Once that time has been used there might be considerable delays before an extension can be approved to continue with the matter. You will appreciate that such delays can provide real difficulties, for example in a protracted contact dispute. A request for another few hours can take several weeks or even months in some cases, to confirm. I understand that this has been down to staffing issues, however, if an Advocate didn't have to keep going back asking for extensions to a Legal Aid Certificate in order to file a statement at Court or reply to a letter this would reduce staff administration considerably. Further, the Court process would speed up and costs would be saved all round. More importantly, difficult and often acrimonious matters could be shortened and the trauma and distress to all concerned (which often includes children) would be lessened.

The Society would be more than happy to forward to you further details of decision and policies put into place which have caused difficulties. A number of Advocates have already found Legal Aid too difficult to deal with from an administrative and justice perspective and recently five Advocates issued notice in one day that they were coming off the panel. Many more may simply not be undertaking Legal Aid work or decide that it is simply too time consuming and costly to their practice to deal with the Legal Aid administration policies in the future. We as a Society do not wish to see that happen and whilst we hold regular meetings with Legal Aid we would like you to be aware of these problems.

The end users of Legal Aid and those that work and advise on Legal Aid to members of the public are Advocates. The Society strongly recommends that changes be put in place in order that Law Society members be represented on the Legal Aid Committee by a practicing Legal Aid Advocate. Representation would also provide valuable skills and experience to fellow members on the Committee, who have not worked within the Legal Aid system or advised on it to members of the public, thereby assisting in the implementation of policies that increase the effectiveness, cost efficiency and openness of Legal Aid to vulnerable members of the public and those that desperately need it.

Yours sincerely

[Signed J Gray]

Jane Gray
President

8. Terms of reference and membership of Corporate Parenting Group

Corporate Parenting Group

Terms of Reference

Purpose

The purpose of the Corporate Parenting Group is to ensure that the Government and its partners share the Corporate Parenting task as a whole. This Group is a recognised structure for politicians, senior management in Government and service providers to:

- to work together to monitor and support the delivery of the Promise made by the Isle of Man Government to children and young people in its care and;
- to engage with, and support the participation of, young people in influencing the services that affect them.

Responsibilities

The Group will take a leadership role in assisting the Government and its partners in meeting their responsibilities as good Corporate Parents by:

- Championing high aspirations for children in care and care leavers and supporting them in achieving these;
- Provide a strategic overview to ensure the co-ordination of high quality service provision for children and young people needing care and care leavers;
- Monitor the major outcomes for children and young people in care and care leavers and ensure that any shortfall is addressed;
- Monitor the performance and actions of Government Departments, care providers and other agencies in the delivery of services to children and young people in care and care leavers;
- Develop integrated systems, services and strategies for children and young people who are, or who have been, in the care of Isle of Man Government;
- Engage with young people in care by providing a forum for the Voices in Participation Council to raise issues of interest and concern to them and participate in and influence the strategic development of services.

Protocols and processes

Meetings and recording:

Meetings will be held bi-monthly and a record of issues, actions and plans of the Group will be recorded.

Agendas:

The Corporate Parenting Group will address all matters as required to meet its responsibilities as defined in these Terms of Reference.

- At each meeting DEC and DHSC will report on LAC. This may include reports on Personal Education Plans (PEPs), educational achievement,

suspensions, modified timetables; numbers, ages of LAC and proportion in residential accommodation; reports on achieving a stable and permanent workforce; permanence policy, strategy and performance.

- At each meeting, VIP Council will report on the experience of LAC and how they are or might help improve service delivery on the Isle of Man for LAC and Care Leavers and for young people generally.
- Other agencies will report on an annual basis using quantitative and qualitative data with a narrative on trends, themes and issues. In addition one meeting per year will be focused on care leavers.

Suggested groupings for annual reports

- DHSC – Children's Services
- Health and CAMHS
- DHA, DEC, DED
- Legal Services

Suggested Agenda

1. Welcome & Apologies
2. Minutes of previous meeting
3. Matters arising
4. Issues
5. DHSC Report
6. DEC Report
7. VIP Report
8. Annual Reports according to schedule
9. Other items notified in advance
10. AOB

To enable its work, the Corporate Parenting Group may:

- Appoint sub-groups to work on and report on issues between meetings to consider reports and either take action or pass them through line management into Departments.
- Involve other people/other agencies in sub-groups to ensure widest possible consultation of all involved organisations and stakeholders.
- Link with Departments and CSP for the purposes of information giving / dissemination of information on services.
- Require key members to feed back into their own Departments and through line management into CSP.
- Require providers of services to take agreements back to own agencies for development and action.

Reporting Requirements

The work of the Corporate Parenting Group will be summarised and provided in a report to the CSP annually or as required and will include:

- Information on what has been achieved, what has not, issues of concern regarding young people in care and care leavers raised within the Group including those raised by young people in care and care leavers.
- Summary of monitoring appropriate performance information.

Membership

The membership will reflect the commitment of the Government and its partners to meeting its responsibilities as Corporate Parents in a multi agency way. Membership will therefore consist of:

Children's Champion (Chair)

Department of Health & Social Care
Children and Families Division:

- Director
- Safeguarding Quality Assurance Unit representative IRO
- Children's Rights Champion
- Children's Services Officer

Health:

- Designated Nurse for Safeguarding Children
- Safeguarding Nurse

CAMHS:

- Manager

Department of Education and Children:

- Director of Inclusion and Safeguarding
- Principal Youth Officer
- Manx Sport and Recreation

Youth Justice/Police:

- Manager

Care Providers of:

- Residential services
- Family Placement services

Department of Economic Development:

- Group Manager, Employment & Skills Group

VIP representatives:

- VIP Officer
- VIP Council

Approved at Corporate Parenting Group _____

