

SHOUT Consultation

NICCY, the Northern Ireland Commissioner for Children and Young People, published its draft corporate plan and priority areas for action on October 18th 2004. This commenced a process of consultation which ran until the end of January 2005¹. It must be noted at the outset that the priority areas for action were themselves derived from the NICCY sponsored Queen's University of Belfast (QUB) research² comparing Northern Ireland against the rights and principles contained in the UNCRC. QUB consulted directly with a wide range (>1200) of children and young people and their parents, and a variety of other important stakeholder organisations with an interest in issues affecting children and young people.

The material, which formed the core of the SHOUT consultation on the draft priorities and corporate plan, had therefore already been through a significant and extensive direct consultation with children and young people. NICCY sought to build on this to ensure they achieved both a widespread response and raised awareness of the Office of the Commissioner at the same time.

During the period of the SHOUT consultation NICCY therefore actively sought the views of a range of its stakeholders, principally children and young people. This active consultation took the form of more than 80 events undertaken by NICCY directly with children and young people or by a range of other statutory or voluntary organisations, with children, young people and their parents and carers. A schedule of the events directly hosted by NICCY is included in Appendix 1 to this document. In all, more than 800 children and young people and their parents were directly consulted in this process.

NICCY also engaged in a series of consultation meetings with statutory providers of services to children and young people in Health, Education and other sectors. We also met with a range of organisations from the Children's NGO sector, including a number of "umbrella" organisations.

As part of the consultation process, NICCY engaged in a widespread series of activities to raise awareness of the organisation and its role and remit. This

¹ A number of consultees sought and were given an extension to the end of February 2005 to respond to SHOUT. A number of late returns (6) were also received outside this date.

² NICCY commissioned a major piece of research from Queen's University, Belfast to compare Northern Ireland against the rights and principles in the UNCRC. The research provides an extensive review of the context in which NICCY works and informed every aspect of our Corporate Plan.

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included a comprehensive mail drop across Northern Ireland of a glossy pre-printed mail back free-post leaflet setting out the priorities for action, including details of how to contact the NICCY office.

Because of the range of newer technology employed by children and young people today, NICCY also created a special area of its internet web-site, specifically designed to capture the views of visitors to www.niccy.org/SHOUT, and an SMS text based service, to allow children and young people and others to send SMS text messages to NICCY with their response to the SHOUT campaign.

A range of other media were also utilised, including posters on a range of static sites across Northern Ireland and on local buses; radio advertising and extensive regional and local media coverage of both the launch and subsequent SHOUT related events.

Efforts were also made to ensure that children and young people from sectors of Northern Ireland society, often described as 'hard to reach', were included in this process. This involved street based youth work programmes, work with NGOs assisting NICCY in reaching children and young people with a disability, from the Traveller communities in Northern Ireland, and from a minority ethnic background, as well as those children and young people looked after by the local Health and Social Services Trusts.

Care was taken to ensure there was a broad mix of community backgrounds covered by both the active consultation events, including events at schools in the controlled/maintained and catholic education sectors, and in seeking the views of a broad range of political parties in Northern Ireland.

The response to and the outcome of the consultation

The NICCY Senior Management Team met on 6 occasions to discuss the response to the SHOUT campaign and to decide on how best to incorporate, where appropriate, changes to the Priorities and Corporate Plan.

We considered all of the responses to the priorities, and where appropriate, grouped them with our existing priorities. As an example, a number of responses asked us to include Domestic Violence as a separate priority area. The rationale was that many children and young people are victims of domestic violence and it is a significant aspect of their lives.

The NICCY team agreed that this area was a legitimate aspect of the lives of children and young people in which we should be involved. However we considered that it was part of a much bigger picture ~ that of safeguarding children and young people. Consequently the issue of Domestic Violence was included in the overall priority of Safeguarding Children.

The great majority of responses to SHOUT were constructive and supportive, indeed we received only one really critical response. This meant that more than 99% of the responses to the consultation were either generally or very supportive of our work. Many respondents sought for us to reflect their area of particular concern, but this was always against a background of solid support for our work and our priority on safeguarding and promoting the rights and best interests of children and young people. We outline below where and how we have changed our priorities and our corporate plan 2005 to 2008 to take account of the range of views expressed to us.

One overriding response was clear; that **all** of our priority areas were of similar importance and we therefore intend to work on all of our priorities over the period covered by this Corporate Plan. Thus while we have included below analysis of individuals rank ordering of individual priority areas, this is to illustrate the range of views that consultees had (and the differences between age groups etc) – we will not be discarding priority areas with a lower ranking.

There were two major changes to our original draft list.

Firstly, was the addition of one further priority area, that of Risk Taking Behaviour. Many responses to the consultation, across the age range of those

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who responded, underlined the need for our involvement in this area of children and young people's lives. Many responses commented on the need for NICCY to be involved in supporting children and young people in facing the challenges of drugs, alcohol and other addictions, as well as a need for us to work on the concerns of both parents and children and young people about early sexual activity and the pressures faced by those under 18 in this aspect of their lives.

The NICCY team felt that the best way to respond to these requests was to include one further priority area to take account of these issues ~ Risk-taking Behaviour.

Secondly, we have amended the structure of our priorities to highlight three of the priorities we had originally identified in our consultation document, namely:

- Having your say
- Knowing Your Rights
- Implementation of the UNCRC

These priorities come directly from the legislation³ that set NICCY up. We have amended our finalised priorities by making sure these three key areas will be more sharply reflected **throughout all of our work** with children and young people by underpinning everything we do.

We have also sharpened the focus of some other priorities, recognising that the words we use to describe each area need to more closely reflect what we are going to do. For example, a number of respondents commented on the priority "Special Educational Needs including Autism" by saying that there was more to Special Educational Needs than Autistic Spectrum Disorder. Therefore, to place these two issues in one sentence perhaps provided a perception that was too restrictive. We agree. The original wording was intended to identify that we would work on both areas and not exclusively with children and young people with Autistic Spectrum Disorders. So we have changed the title of this priority now to reflect this.

Incorporating these comments has resulted in changes to:

- ✓ Special educational needs and autism (to become Special Educational Needs)
- ✓ Children with disability and the allied health therapies they receive (to become Children with Disabilities)

³ The Commissioner for Children and Young People (Northern Ireland) Order 2003

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- ✓ Child protection (to become Safeguarding Children)

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OVERALL RESPONSE RATE

We set out here in Table 1 the Category of respondent and the numbers of respondents to the SHOUT campaign.

<u>CATEGORY</u>	<u>NUMBER</u>
Number of responses from Organisations	96
Responses derived from events and other active consultation activities	797
Responses from individual members of the public	723
TOTAL NUMBER OF CONTRIBUTIONS (inc those made by organisations on behalf of others)	1616

As each response was received by post, email, via the web or SMS, or collected at events, it was logged into a SHOUT consultation database created for this purpose. Each response that ranked our priorities was assigned points allocated on the basis of the ranking given. These points were then used to determine the eventual overall ranking.

GLOBAL RANKING

Of the 1616 contributions received, all those that expressed a ranking were included in a count against each priority area. Whilst NICCY intends to work across all of its priority areas, the overall exercise revealed the following ranking:

- | | |
|---|-------------------------------|
| 1. Bullying | 11. Road Safety |
| 2. Child Protection | 12. Knowing your Rights |
| 3. Having your say | 13. UNCRC |
| 4. Children and Poverty | 14. Children and the Troubles |
| 5. Play and Leisure | |
| 6. Special Educational Needs and Autism | |
| 7. Children with Mental Health Issues | |
| 8. Children and Crime | |
| 9. Children with Disabilities | |
| 10. Physical Punishment | |

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ORGANISATION RESPONSES

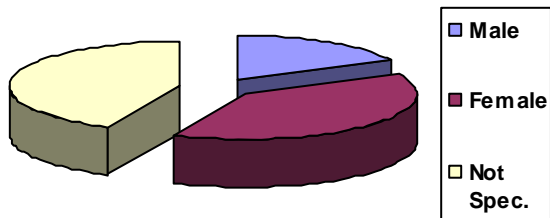
70 organisations that responded to SHOUT ranked our priorities. Using the same system of points as before, the priorities for those organisations which expressed a ranking was as follows:

1. Child Protection
2. Having your Say
3. Bullying
4. Special Educational Needs and Autism
4. Children and Poverty
5. Children with a Disability
6. Children with Mental Health Issues
7. UNCRC
8. Knowing your rights
8. Play and leisure
9. Children and the Troubles
10. Physical Punishment
11. Children and Crime
12. Road safety and School Transport

PUBLIC RESPONSES Gender

Of the 951 responses received:

- * 170 were male = 18%
- * 372 were females = 39%
- * 409 did not specify a gender = 43%



The ranking according to gender is set out below:

Male ranking

1. Bullying
2. Child Protection
3. Having Your Say
4. Play and Leisure
5. Children and Poverty
6. Children with Mental Health Issues
7. Road safety and School Transport
8. Children and Crime
8. Children with Disabilities
9. Special Educational Needs and Autism
10. Physical Punishment
11. Knowing Your Rights
12. Children and the Troubles
13. UNCRC

Female Ranking

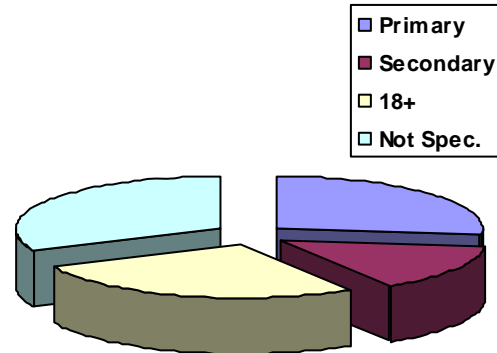
1. Child Protection
2. Bullying
3. Children and Poverty
4. Special Educational Needs and Autism
5. Having your Say
6. Mental Health Issues
7. Play and Leisure
8. Crime
9. Children with Disabilities
10. UNCRC
11. Knowing Your Rights
12. Children and the Troubles
13. Physical Punishment
14. Road Safety and School Transport

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AGE

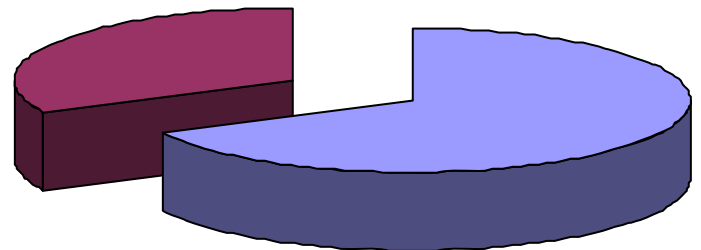
We grouped responses from the public by age in 4 categories:

1. Primary (0-11 years)
2. Secondary (12-18 years)
3. Over Eighteen (18+ years)
4. No age specified

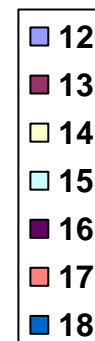
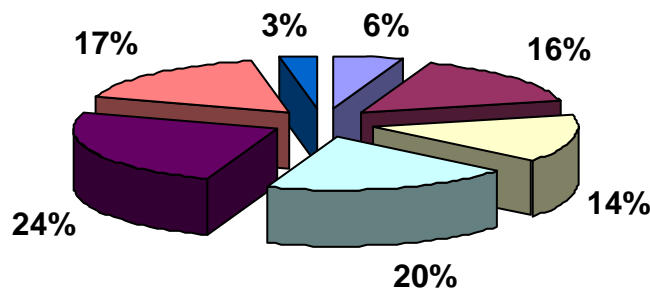


School age children and young people

266 children and young people were in the **primary** school age category which accounts for 26.9% of total public responses.



126 children and young people fell within the **secondary** school age group ~13.2% total public response



The age breakdown of the **secondary** school age group is outlined in this chart.

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Overall, priorities within these age ranges were ranked as follows:

Primary

1. Bullying
2. Child Protection
3. Play and Leisure
4. Having Your Say
5. Road Safety and School Transport
6. Children with Disabilities
7. Physical Punishment
8. Children and Poverty
9. Children and Crime
10. Children with Mental Health Issues
10. Special Educational Needs
11. Children and the Troubles
12. Knowing Your Rights and Responsibilities
13. UNCRC

Secondary

1. Bullying
2. Having Your Say
2. Child Protection
3. Children and Poverty
4. Play and Leisure
5. Knowing Your Rights and Responsibilities
6. Children with Mental Health Issues
7. Physical Punishment
8. Road Safety and School Transport
9. Children and the Troubles
10. Children and Crime
11. Children with Disabilities
12. Special Educational Needs
13. UNCRC

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Eighteen and over

We split this group into three categories:

- *Those who didn't specify their age
- *Those aged between 19 and 65
- *And those at 65 and over

258 people fell within this category (27.1% of total public response)

Age	Number	Percentage
None spec.	6	2.43
19-65	220	89.07
65+	21	8.50

The overall rank of priorities for this group is:

1. Child protection
2. Bullying
3. Special Educational needs
4. Children with mental health issues
5. Children with disabilities
6. Children and poverty
7. Children and crime
8. Play and leisure
9. UNCRC
10. Having your say
11. Road safety and school transport
12. Knowing your rights and responsibilities
13. Children and troubles
14. Physical punishment

Responses to the consultation on the Draft Corporate Plan (2005-2008)

Overall, 96 organisations who work with or on behalf of children and young people, and have a direct interest in the issues affecting them, responded to NICCY's Shout Campaign. Although each of their responses attempts to comment on the individual priorities, a considerable number focus on the issues most relevant to their own organisation. These commentaries provide a range of information and suggestions vital to informing NICCY's future work. However, some of the organisations also specifically addressed each priority individually, as well as various aspects of NICCY's Draft Corporate Plan 2005-2008.

Mission, Vision and Values

The mission, vision and values have been broadly welcomed and supported across all organisations. However, some respondents did provide additional comments as follows:

Mission:

Three respondents suggest that the mission statement does not fully reflect the extensive statutory powers given to NICCY in 'The Commissioner for Children and Young People (Northern Ireland) Order 2003'. Furthermore, in order to address this issue, two of these three organisations also recommend the mission statement adopts a more "powerful and positive language" that fully emphasises NICCY's commitment to utilise its wide-ranging powers in accordance with international standards.

Vision:

One respondent criticised the draft vision as being too "action orientated" and lacking direction and purpose, while another two respondents suggested that the vision statement could benefit by being "more aspirational".

Values:

In relation to the proposed values that underpin much of NICCY's work, one respondent suggested that the UNCRC should also be explicitly referred to, as well as other internationally accepted rules and principles on children's/human rights.

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Additionally, they stated that NICCY's commitment to being a transparent organisation should also be clearly outlined. A further two respondents also suggested that the value statements could express a firmer commitment to children and young people by reiterating NICCY's extensive statutory powers and through the use of more positive, enthusiastic language. These two organisations also felt that, given the general lack of research and statistical data about children and young people, the draft value stating NICCY's desire to base all its work on objective evidence and research may prove to be restrictive and should be removed.

Key Points and NICCY's response

- NICCY's extensive statutory powers as provided within The Commissioner for Children and Young People (Northern Ireland) Order 2003 should be highlighted in the Mission, Vision and Values of the Corporate Plan
- A more positive and upbeat style of language is required
- Referral should be made to the UNCRC
- Outline NICCY as being a transparent organisation
- Basing work on objective evidence and research may be unduly restrictive

NICCY welcomes the comments made on this aspect of our plan. As Nigel Williams has set out in the foreword to the Corporate plan, they "are not mere window dressing for the sake of a corporate plan. I believe that the way we work is very important. NICCY is determined to be a listening organisation, especially to the often unheard voice of children and young people"

NICCY believes that it is important to emphasise that the Mission, Vision and Values outlined in the Corporate plan are for the organisation and not for Northern Ireland more generally. It is important that they are succinct and memorable.

We believe our Mission sets out what will best reflect NICCY's role, as based on the principal aim of our legislation and our fundamental desire to be an organisation that listens to children and young people. Furthermore, our Vision and Values strike the best view of how we will operate as an organisation with a need to balance many priorities and expectations.

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The context in which NICCY operates

This area of the Draft Corporate Plan states that NICCY needs to work in partnership with a range of key stakeholders, including the NGO sector. However, a number of respondents suggest that the relevant NGOs should be specifically referenced in this section. Furthermore, one of these organisations also recommends that it would be useful at this stage to provide information relating to relevant international standards on children's rights, and to ensure that the direct involvement of children, and children's organisations, is explicitly stated. Two respondents also suggest that a more detailed illustration of how children will benefit should be given, and more positive language used in general. As follows, additional comments about the context in which NICCY operates were also provided in relation to legislative and policy; political and administrative; economic and social; value for money; and finance:

Legislative and Policy

Two respondents indicate that this section would benefit from a more detailed overview of the legislative and policy context within which NICCY will operate over the next few years, which could be drawn from the comprehensive information provided in the NICCY research. They also suggest NICCY's role in contributing to the UNCRC Committee's UK Report in 2007/08 should be included here, as well as any consideration NICCY may be giving to raising children's rights issues with other international monitoring bodies such as the Committee on the Elimination of Discrimination against Women, and the Committee on the Covenant on Civil and Political Rights. Another respondent recommends that it is necessary to mention the 'Children and Young People's Strategy' (OFMDFM) as being a key tool in implementing the UNCRC.

This respondent further recommends that the full breadth of NICCY's statutory powers under 'The Commissioner for Children and Young People (Northern Ireland) Order 2003' should be outlined in this section to show that,

'it is only through the use of these strong powers of review and investigation that it will be possible to challenge the most fundamental breaches of the rights and best interests of children and young people in Northern Ireland'.

Furthermore, in this part of the Draft Corporate Plan, NICCY describes its commitment to work alongside other agencies to promote the UNCRC as part of a

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Bill of Rights. However, the above respondent suggests that NICCY should 'lead' this campaign and also lobby for,

'the inclusion of a strongly worded and detailed clause protecting the rights of children and young people'.

Political and Administrative

In relation to the Review of Public Administration, three respondents suggest that NICCY indicate in the Draft Corporate Plan how it will respond to any adverse impacts of the Review to the delivery of services to children. Therefore, one of these organisations recommends that stronger language is employed in the Political and Administrative section. This respondent further comments that NICCY should have a more direct role in promoting recommendations coming from the UN Committee on the Rights of the Child.

Economic and Social

Three respondents suggest that NICCY's work in this area needs to be more clearly defined. Of these, two also recommend that NICCY's future plans on this issue should be outlined, while the other one implies that more reference could be made under this heading to increased outreach and participation of children and young people with experiences of social exclusion. Two respondents also identify a gap in this section in terms of reference to and proposed action on recent funding cuts and reduced government investment in children's services.

Value for Money

In relation to value for money, the Draft Corporate Plan makes reference to government initiatives such as Best Value and Modernising Government. However, two respondents state that NICCY needs to be viewed as being independent and should therefore be cautious of aligning itself with these, or any other, government policies.

Finance

Two respondents express concern that this section makes no reference to the carrying out of formal investigations, and recommend that NICCY budgets for investigations under the Finance heading. They further recommend the inclusion of adequate resources that allow NICCY to initiate strategic litigation, one of its statutory powers.

Another respondent also comments that NICCY should ensure the development of, “sound financial planning systems that enable it to proportion spending on key functions”, and be flexible in order to adapt to changes in the present expenditure.

Review of the Office of the Commissioner

This part of the Draft Corporate Plan is criticised by two respondents who state that there is not enough information provided under this heading. They further suggest the inclusion of a monitoring and review section in relation to measuring the implementation process of the Corporate strategy.

Corporate Objectives

Here, two respondents state that the corporate objectives are too general, and a more obvious connection to the draft priorities for action should be made. They recommend that NICCY lay out its strategic aims with ‘clear and measurable objectives under each aim’ and suggest using the framework of the UNICEF Innocenti Research Centre. These two organisations also indicate that they found the layout of the balanced scorecard ‘confusing’.

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Key Points and NICCY's response

- Relevant NGO's should be referenced
- Provide information about international standards on children's rights
- Specify the direct involvement of children and young people, and organisations who work on their behalf
- A more detailed overview of the legislative and policy context may be required
- Include NICCY's role in contributing to the UNCRC UK Report 2007/08
- Highlight the importance of OFMDFM's Children's Strategy
- Emphasise NICCY's statutory powers
- Reconsider language used in relation to the Review of Public Administration
- NICCY's work in the economic and social context needs to be more clearly defined and expanded
- Reconsider reference to government policies in order to maintain independent status
- Investigations and strategic litigation is not included under Finance
- Expand on the information provided under Review of the Office of the Commissioner

NICCY welcomes these views which seek to focus our work and to assist in the clarity of the report. We have adopted a number of the suggestions made, including the very helpful point that we cannot work on this huge agenda alone, and we have made reference to our partnership working with the statutory and NGO sector on a range of issues, including the Bill of Rights.

We also recognise the importance of the OFMDFM strategy R WRLD 2 and the Review of Public Administration, and we have tried to reflect this in a revised statement on both the strategy and the Review in our Corporate Plan.

Over the past few months NICCY has been engaged in an on-going process advising Government on the impact of its proposals for the Budget 2005 to 2008. This important work is now better reflected in the description of our continuing role over the lifetime of this Corporate Plan.

With regard to the resources for Formal Investigations, we have made it clearer where they are placed within our budget. We have also identified that greater emphasis on Measures, Outcomes and Actions to deliver on the Corporate Plan will be included in each year's Business Plan which will be published on our website at www.niccy.org.

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We do not believe it is appropriate to make further comment on the upcoming review of the Office of the Commissioner for children and young people as it is not in our remit. We will positively respond to the review which will take place in early 2006.

Criteria for Legal Assistance

Three respondents make reference to the legal functions conferred to NICCY under 'The Commissioner for Children and Young People (Northern Ireland) Order 2003' as lacking detail and clarity in the Draft Corporate Plan. Indeed, two of these organisations state that the type of legal assistance NICCY aims to provide is not clear. Furthermore, another respondent says it is also not clear how a request for legal assistance will be assessed for compliance with the proposed criteria; how NICCY intends to measure the chance of success; or whether there is a 'cost threshold' beyond which a particular request will not be considered. This organisation is concerned that the criteria may prove to be too restrictive, and therefore result in the exclusion of some children who may have a genuine legal case.

Also with regards to this section of the Draft Corporate Plan, two respondents recommend that it be circulated to the 'Accredited Solicitors Panel; Bar Council; Law Society, including the Family Law Committee; Guardian Ad Litem Agency; Official Solicitor; and Judges/Magistrates and Lay Magistrates'. They further suggest that NICCY develop a legal advisory panel.

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Key Points and NICCY's response

- The corporate objectives are too general
- Clarify the legal functions conferred to NICCY under 'The Commissioner for Children and Young People (Northern Ireland) Order 2003'
- More information required on the criteria for legal assistance

NICCY is aware that the application of criteria for assisting individual cases is of concern to a range of individuals and organisations. We have reviewed the responses and made a number of changes to the way in which they will be applied to take account of the views expressed. We will also, as part of our work in the first year of the plan 2005/06, undertake a more widespread communication process with legal professionals to ensure there is greater clarity in this area of our work.

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General Comments

There was some concern expressed by three respondents that NICCY's investigatory powers, and a readiness to use them, are not reflected under any section of the Draft Corporate Plan. Indeed, they suggest that these powers should be clarified and emphasised throughout the Plan, with two of the respondents specifying the inclusion of NICCY's powers of entry, examination of witnesses, and right to view documentation. Furthermore, three respondents commented that NICCY's statutory powers and duties are also not adequately reflected throughout the Plan, with one stating, for example, that NICCY's specific power of co-operation with other stakeholders carrying out work relating to children and young people is not included.

NICCY's response

NICCY believes that our values state clearly that we will, if required to do so, use the full range of our powers whilst wishing to work collaboratively with the relevant authorities.

One respondent would also like to see reference made to the production of an annual update on the state of children's rights. Indeed, another two respondents said that in the Draft Corporate Plan it must be "unequivocally stated" to show how important and integral the UNCRC is to NICCY's work.

NICCY has committed to the production of a three yearly update on the UNCRC research. We do not believe it would be an appropriate use of resources to do so more often.

In relation to the direct consultation process, three respondents felt that the Draft Corporate Plan is not clear enough about how and with whom NICCY has consulted. For example, one particularly mentioned ensuring marginalised views are included, and the other two require more information on the system used to analyse consultation responses. The latter two also said they had difficulties accessing the Plan and with the layout of the draft priorities, while also perceiving the language to be "condescending" and the sentences unevenly structured. One respondent further recommends the inclusion of targets, performance indicators and timescales under the heading of 'Strategic Action Plan', and subject to public consultation.

NICCY believes that the information provided in this document addresses the above issues, and we will bear these points in mind for future reference.

Comments on specific Priorities

Bullying

Addressing the issue of anti-bullying policies has emerged as a key theme from those organisations responding in relation to this particular priority. Three respondents recommend that NICCY should examine and highlight the impact of bullying on particular groups of children, and ensure that all relevant statutory agencies and schools are aware of bullying issues and have policies in place to address them. Furthermore, NICCY should actively promote awareness of the various types of bullying, including anti-racist and homophobic bullying, and advise schools on training their staff to identify, manage and record all incidents of bullying behaviour. Indeed, two respondents also state that, as part of this priority, NICCY must ensure that the Department of Education and the Inspectorate hold schools accountable to a robust application of anti-bullying policies. They further suggest NICCY encourages schools to introduce workshops from an early age on the subjects of cultural diversity and 'difference'.

NICCY welcomes the responses to the priority on Bullying and will consider all of the issues raised in its work on this area over the three years of the Corporate Plan.

Play & Leisure

In response to the play and leisure priority, there was some suggestion from organisations that NICCY should develop a play and recreation strategy. Furthermore, three respondents recommend that NICCY promote the participation of children and young people in planning and development decisions related to leisure and recreational facilities in their local areas. However, one leading children's organisation expressed concern that this priority is too narrowly defined and should also reflect sporting and cultural activities. They further advocate NICCY promoting the issue of play from a rights perspective.

NICCY welcomes the support for this priority and will consider these points when undertaking its work on Play and Leisure. We do not believe NICCY should be responsible for the production of a Play Strategy. However we will continue to encourage Government to develop and implement a sustainable National Play Policy and Strategy based on the rights of children and young people to have access to Play and Leisure. We will also assist children and young people in exercising the right to have their say on this important issue in their lives.

Road Safety and School Transport

All organisations responding with regards to this identified priority highlighted a need for NICCY to address the issue of children killed or seriously injured in road accidents and supported NICCY monitoring the implementation of the Northern Ireland Road Safety Strategy. However, two respondents believe this priority should be more broadly defined to include plans to address joy-riding and the high number of speed-related deaths amongst young males, as well as the cost of public transport in rural areas. Another respondent states that priority action in this area should also be given to ensuring that school transport reviews incorporate safety issues.

NICCY welcome the support for this priority and will work on Road Safety issues in its work on School Transport. We note the responses on so called 'joy riding' and the cost of public transport in rural areas.

Special Educational Needs and Autism

There was a consensus that this priority was too narrowly defined amongst the majority of organisations addressing this particular action. Indeed, it was suggested that including autism could result in a focus on this one need at the expense of others, with one respondent stating that it would be,

"more helpful to set out the specific priority action relating to autism alongside other priority actions coming under the heading of special educational needs".

Furthermore, all organisations specifically responding to this priority cited SENDO, the Special Educational Needs and Disability Order (2004), and indicated that NICCY should lobby for adequate resources to be made available to fulfil the forthcoming obligations of this legislation. The majority of them also stated that NICCY should promote children's right to mainstream education as provided by the Salamanca Statement and Framework for action on Special Educational Needs.

There was also a general concern expressed about child to adult transition services and the view that NICCY should challenge discrimination experienced by young people when assessing their options in the further education sector. Additionally, the majority also referred to NICCY carrying out a review of the Code of Practice on Special Educational Needs to ensure that it, as one respondent states,

"is informed from a rights perspective and influenced by children and young people (and parents) who have experienced operation of the Code".

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It was also widely recommended that NICCY carry out an assessment of educational needs and statementing, and lobby for legislative reform and the introduction of statutory time limits in this area. Finally, two respondents suggest as part of this priority that NICCY should be concerned with preventing children with emotional/behavioural difficulties, including looked after children, from being excluded from school.

As we have stated above, we recognise that the wording of our original priority could lead to an understanding that this was narrowly defined and we have changed it accordingly. We note what other responses have said and we will bear these suggestions in mind on our work in this area.

Children with Disabilities and Allied Health Therapies

Again, all organisations responding in relation to this action said that the title, specifically the inclusion of allied health therapies, is too narrowly defined and therefore restricts the scope of this priority. The majority also recommend that NICCY challenge the discrimination of children with disabilities by ensuring they have the opportunity to participate, particularly in decision-making processes.

NICCY has changed the title of this priority to reflect the need for a more all encompassing language. We will pay due regard to the need for children and young people with a disability to be given a voice and to be active participants in decision making.

Children with Mental Health Issues

The lack of service provision and inadequate funding was the overwhelming issue of concern amongst all organisations addressing this priority action, with one saying that NICCY should,

“lobby for increased investment and a greater share of the mental health budget to be put towards child/adolescent mental health services”.

Two respondents specifically stated that NICCY should influence the DHSSPS to resource and implement the recommendations of the Bamford Review’s ‘Equal Lives’ report, and also monitor implementation on an ongoing basis. One of them also recommends that NICCY ensure there is a rights perspective incorporated into any policy development in this area. Additionally, one respondent (a Health and Social Services Board) suggests that NICCY consider the issue of extending preventative health strategies on suicide and self harm through discussions in

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schools. They also stress that there is a need for comparable specialist services dealing with young people who have eating disorders.

NICCY welcome the support for this priority area and will continue to work towards the provision of a rights based service for children and young people with mental health problems which is adequate and effective. We will also be paying particular attention to the Bamford review and will seek to promote and support their work.

Children and Poverty

With regards to this priority, respondents generally held the view that NICCY should ensure poverty is a key issue in government strategies relating to children by lobbying for the development of a specific child poverty action plan and government policies that,

“provide sufficient standard of living to ensure families with children can provide them with basic necessities and avoid social exclusion”.

Some organisations also suggested that this priority should include reference to the discrimination of young people aged 16-17 years within the present Social Security system in that they receive lower levels of benefits than adults over 25, and do not automatically qualify for assistance. It was also recommended that the priority include the economic exploitation of children in employment and include how NICCY intends to address National Minimum Wage discrimination. Finally, three respondents also identified child homelessness as falling within this priority, and would like NICCY to examine and address the links between these two concerns, and also to a range of other family issues.

NICCY accepts that issues relating to Homelessness and to the services provided to Travellers in Northern Ireland are part of our work on this priority. We will continue to work with others to ensure this priority area remains at the centre of policy making.

Children and the Troubles

While three respondents would like NICCY to ensure this issue remains a priority and, for example, carry out research into the “cost of the troubles” on children and young people, most of the comments related to the ongoing religious segregation of children in the education system. Indeed, all organisations addressing this priority expressed concern about the impact of segregated schools on children and on their ability to “realise their rights”, and implied that NICCY should raise this issue with policy makers and promote an integrated schools system.

Despite the relative lack of support for this priority in the rankings (it achieved 14th out of 14 in the global rankings and its highest placing was 11th) NICCY believes it must continue to focus some attention on this area of the lives of children and young people in Northern Ireland.

Child Protection

Although various organisations did comment on this priority, common areas of interest were not apparent. Indeed, one respondent suggests that the priority title is “misleading” and would be better described as “safeguarding children” in order to encompass the full range of issues, such as alcohol and drug abuse. Some organisations did cite a range of recent legislation, reports and initiatives, for example, Protection of Children and Vulnerable Adults (NI) Order 2003; the Child Death Review Protocol; Children in Need Strategy; and the DHSSPS Child Protection Advisory Group, with some suggestion that NICCY should monitor and review their progress. In relation to this, three respondents also recommend that NICCY examines and promotes ways in which children and young people can participate in these initiatives. It was also put forward in the responses relating to child protection, that NICCY carry out a review of current sexual offences legislation, and encourage Public Prosecution Services to develop protocol for prosecuting young people who engage in sexually harmful behaviour. Additionally, some suggestion was made that the DHSSPS overlooks children’s needs and does not adequately prioritise child protection or actively engage with children’s NGO’s.

NICCY has changed this priority’s title to Safeguarding Children to encompass a wider more holistic approach to this fundamental aspect of our work.

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Children and Crime

Generally, the responses to this particular priority varied in their focus, although there was a general consensus that youth justice should be a prime consideration of NICCY's work. For example, one suggested that the Commissioner should seek to extend his "full formal investigative powers to include justice and policing" relating to "disclosure of evidence and powers of entry and inspection". Furthermore, several organisations recommend that NICCY continue to monitor and review the impact of anti-social behaviour orders (ASBOs) on the rights and welfare of children and young people, challenge their legality and aim to have them completely withdrawn. Indeed, while some comment on Judge Girvan's judicial review in this area as weakening the interpretation of the UNCRC, one respondent emphasises the

"necessity of continuing to raise the incompatibility of anti-social behaviour orders with the principles and provision of UNCRC".

A need for alternative diversionary schemes and restorative practices was also cited as an area of focus for NICCY, as was an exploration of other international standards in relation to the administration of juvenile justice and the prevention of juvenile delinquency.

Others suggest that NICCY should address the UNCRC Committee's concerns and their subsequent recommendations in relation to the low age of criminal responsibility; conditions children experience in detention; lack of independent advocacy services; and the lack of separation from adults in prison. Further comments refer to NICCY ensuring that children's rights are taken into consideration whether they are victims, offenders or witnesses, and also that specialist services are set up to help children and young people deal with the physical and emotional trauma of crime.

NICCY notes the range of views expressed in this area and on the desire for some organisations to see our approach narrowed and some to see it widened to take account of non-devolved matters.

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Physical Punishment

All respondents commenting on the physical punishment priority overwhelmingly focused on the existing defence of reasonable chastisement of children. They stressed the important role that NICCY should play in lobbying for full legal reform with, as one respondent stated,

“the removal of the defence of reasonable chastisement *and* ending of all corporate punishment in the family supported by promotion of positive alternatives”.

Indeed, they also collectively raised the issues of family support and positive parenting as strategies that should be promoted by NICCY, with the majority suggesting that lobbying of the DHSSPS is essential to any future development in this area. A very small number of responses supported the continued use of physical punishment– but those who held this view, were very strong in their opposition to any change in the current law, and to NICCY being involved in the issue.

NICCY welcomes the support of the majority of respondents to our continued work to see an end to Physical Punishment of children and young people. It is interesting that it came mid-table with those children and young people who expressed a preference by way of ranking this priority. There is clear support from the consultation for us to continue our work in this important area.

Having your Say

Most organisations commenting on ‘having your say’ suggested that it should be redrafted as underlying all the priority areas in order that children’s rights be fully realised. The majority also indicated that NICCY should make clear that children must be listened to and be involved in decision making processes. Two respondents further added that NICCY should have a role in developing and promoting models of best practice in relation to participation. Particular attention was drawn to the lack of child sensitive complaints procedures and advocacy services, summed up by one respondent who states that the,

“Commissioner with his statutory powers is well placed to assess the effect of the failure to provide child friendly complaints mechanisms and advocacy services on children and young people. Where these are inaccessible, they are clearly ineffective in safeguarding and proofing the rights and best interests of children and young persons; and where the arrangements do not operate or have been operated incorrectly the

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Commissioner should also consider reviewing such arrangement or further investigating these arrangements”.

Furthermore, NICCY should ensure that *all* children and young people have access to effective, independently operated complaints procedures and advocacy services. Some concern was also expressed for the voices of the ‘hidden populations’ of children with disabilities, from ethnic communities or from disadvantaged backgrounds.

Knowing your Rights and Responsibilities

There was a general consensus that knowing your rights and responsibilities must underpin all NICCY’s work in the other priority areas, and that NICCY should aim to develop a “societal awareness” of the UNCRC. However, two respondents expressed some concern that the inclusion of ‘responsibilities’ should not necessarily be linked to children’s rights, one comment being,

“this is discriminatory in the use of language due to the fact that no other vulnerable group has their rights qualified in such a manner”.

Three of the organisations also recommended NICCY establishing itself as the central point for information on children’s rights in Northern Ireland, Indeed, one respondent stated that NICCY should also advise statutory agencies on their obligation to provide child-friendly accessible information, and

“work strategically that all children and young people have effective access to information about their rights in child sensitive forms”.

Implementing the UNCRC

Again, several organisations assert that the UNCRC should automatically underpin all of NICCY’s work, and that the importance of this priority should be reincorporated into all action areas.

NICCY acknowledges that these three priority areas (above) are fundamental to our work, and we have restructured our corporate priorities to highlight the underlying nature of all three.

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APPENDIX 1

SMT Shout Consultation Calendar of visits from 18th October 2004 -31st January 2005

October 2004	18/10	20/10	21/10	28/10	30 th /10
	Launch of Shout Consultation	BT Big Listen Breakfast with young people	Display at Training for Women Network (event for under 18's) Waterfront Hall	DPP Annual event Limavady	Magherafelt Youth Council Conference

November 2004	5/11	10/11	16/11	17/11	18/11	19/11	22/11	24/11	25/11	26/11	30/11
	SHOUT meeting to c/yp+ youth leader in Derry	SHOUT pres. to NI Courts Service reps	Cloona Child contact Centre AGM	Mixin @ The Island Youth Event	New Start Conference	Barnardo's Living in the Shadows launch	Rodden St Playgroup, Belfast	Awards event Uni of Worcester Belfast Castle	Opportunities at Russell Commission meeting	Children's Rights – the Next Step	Contact Centre AGM

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December 2004	01/12	02/12	03/12	06/12	07/12	09/12	10/12	13/12	14/12	15/12	16/12	20/12	
	Down Lisburn HSS Trust Shout meeting 10.30	Poleglass Youth Initiatives 3.30-6pm	Ceara Special School Lurgan 11-1pm John O'Dowd 1pm - 3pm	Killowen C'raine 9.30 St Marys M'felt 11.30	Omagh Western Area C+YP Comtee 2-3.30pm	Newry & Mourne 11am Ballinderry PS 10.30	NEELB All Day	Off the Streets initiative	Youth Service Conf SELB 2.0 - 8.30	NICON 2-4pm	Simon Comty Conf.	Media briefing 11am Simon Doyle Educ Corres Irish News	Young Peoples Centre Knockbracken 1.30
							Opp Youth event 9.30-12					Strand Rd Police Station Derry 11am	WELB 10am

January 2005	05/01	08/01	10/01	11/01	12/01	13/01	14/01	18/01	24/01	25/01	26/01	31/01
	Annahilt PS AM p6 and p7 classes 9.30am	Fermanagh Shadow Youth council 12.30-4.30pm	Spa PS Ballyaninch 9.30 Meet ELB CEOs re SHOUT	NELB Councils & LSPs* Hotel in Ballymena 7-9pm	NI ADD meeting with Youth	Groarty PS 2pm	St Marys College Derry 10.30	Bleary PS Lurgan 9.15	Ballycraigy PS time 9.15 am	Presentation to Mencap SHOUT OUT Group in NICCY	Meet Minister John Spellar	Meeting with Louise Ward Hunter Dept Education Meet DCAL Board
		Holy Family PS Belfast 9.30	NELB With Councils & LSPs Ballymena 7-9pm			St Josephs Crossgar PS 2pm Presentation to reps from Belfast City Council	Meeting Children's Disability alliance				Derry City Council Community info Forum Meet H&SSB Children's Services planners	