



## CORPORATE PLAN 2014-‘17

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## FOREWORD FROM THE COMMISSIONER



Welcome to my Corporate Plan 2014 -17. As with previous plans, this provides me the opportunity for renewed focus on my function and duties, in line with the exercise of my powers as set out in statute<sup>1</sup>.

This Corporate Plan outlines my work and that of my Office for the next three years, building on the work of the previous corporate plan and as required, always having due regard to the UN Convention on the Rights of the Child, and/or other relevant international human rights instruments and domestic legislation. Periodic Reports made to the UN Committee from the UK State Party are now ‘followed’ by ‘Shadow’ Reports submitted by

NICCY in collaboration with the other three UK jurisdictions’ Children’s Commissioners. The NGO sector also submit a Shadow Report. In 2011 the four UK Commissioners submitted a ‘Mid-term’ Report and while the UK State Party Report was submitted in early 2014, I am mindful – given current delayed timescales - the Committee may not ‘hear’ it until 2016. The four UK Commissioners will again be submitting a combined report.

As we go into our next corporate plan period, I am aware there are many issues which adversely affect the lives of our children and young people in Northern Ireland (N.I). For example - child sexual exploitation, the legacy of the conflict, economic and social disadvantage, poverty, discrimination, prejudice, unemployment, under achievement, lack of opportunity, sectarianism, segregation, physical punishment, bullying (including cyber bullying), family breakdown, mental ill health, lack of effective provision and/or support services, negative stereotyping and vitally not having a say in decisions that affect their lives.

In identifying the areas on which I will be focusing, I have been and will continue to be guided by evidence of significant violations of children’s human rights and/or their best interests, particularly in relation to our marginalised and vulnerable children and young people.

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<sup>1</sup> See Appendix Summary of NICCY’s Duties and Powers – The Commissioner for Children and Young People (NI) Order (2003).

This therefore requires effective and appropriate fulfilment of my duties and exercise of my powers - taking cognisance of significant political developments; new and emerging legislative or policy proposals which may potentially adversely impact on their rights and/or best interests; or where structures and mechanisms are not in place to ensure the voices of children and young people are being heard.

It has been through ‘intelligence’ gathered by my office through casework, listening to and engaging with, a wide range of stakeholders, on which this corporate plan is based. This has and does also entail listening to and acting upon the ‘voice’ of children and young people, conducting and commissioning research, and incorporating the knowledge and expertise of those in NICCY and in the children’s and young people’s sector.

I welcome this corporate planning process as an opportunity to continue to develop constructive relationships, working in partnership with others to ensure that the rights and best interests of children and young people here are realised.

In the current economic climate and threats to services, it is now more vital than ever that I champion those rights and best interests with Government and broader society – working with all our partners - bringing combined knowledge and expertise to bear and also ensuring the ‘voice’ of our children and young people is integral to this process.

The high level corporate objectives in this plan will ‘inform’ our annual business plans throughout the 2014–‘17 period, and set out in more detail the actions I will take to deliver on same. I will also continue to progress the work we have already undertaken, in advancing greater compliance with and incorporation of the UNCRC. In relevant areas I will maintain a ‘watching brief’, taking action as and when appropriate, and being mindful how this can support and add value to the work already being carried out by others.

I, and those working within NICCY, remain committed to working with our stakeholders across all sectors, to ensure the rights and best interests of children and young people are realised and respected.



**Patricia Lewsley-Mooney**  
**Commissioner**

## EXECUTIVE SUMMARY

This Corporate Plan outlines the proactive work of the Office of the Commissioner for children and young people, based on NICCY's statutory duties reflected in the cross-cutting high level objectives, whilst also bearing in mind the need to retain the 'flexibility' to react/respond to new and emerging developments/issues, including for example in response to the work of the Northern Ireland Executive, Government Departments and their agencies. The plan has also been redrafted following our engagement with stakeholders and their input/feedback on same (the process of development of the corporate plan is set out in a later section).

### The High Level Corporate Objectives:

These have been identified as stated, as a result of 'intelligence' gathered, the identification of emerging issues through our casework, listening to stakeholders, drafting and redrafting of this corporate plan based on input/feedback received. In response NICCY will be addressing the areas highlighted in the later section, specifically setting out the eight high level corporate objectives under which a range of activities will be undertaken during the period of our corporate plan. Among these we will be:

- Taking forward our work on greater compliance by Government in the implementation of children's rights including progressing Child Rights Legislation;
- Monitoring developments and outcomes in relation to the current Inquiry and Review in relation to Child Sexual Exploitation and taking appropriate action;
- Addressing child poverty in relation to children's and young people's right to an adequate standard of living;
- Addressing the right of children and young people to live in safety / free from abuse including issues of bullying/ cyber bullying / e-safety in collaboration with relevant stakeholders;
- Ensuring access to effective education which meets the needs of those children and young people who may require additional support / services;
- Ensuring access to appropriate treatment in health and social care services,
- Ensuring appropriate treatment on access to policing and justice in areas affecting the lives of children and young people;
- Carrying on our daily casework and seeking to redress breaches or violations of children's and young people's rights and/or best interests;

- Continuing to advise, encourage, monitor and/or challenge government and its agencies – holding them to account as/when required/necessary/appropriate;
- Address issues affecting vulnerable and/or marginalised children and young people to ensure they do not experience discrimination and enjoy their rights;
- Promoting participation and involvement of children and young people in decision making which affects their lives/life outcomes;
- Continuing to raise awareness in relation to children's and young people's rights, the functions of the Commissioner and the UNCRC, through outreach and training and education programmes.

These areas build on our work to date and provide the crucial continuity, essential to ensuring long term improvements in the lives of our children and young people.

### NICCY: Independent Children's Rights Institution

Given NICCY has recently celebrated its 10<sup>th</sup> anniversary, it is timely to reiterate the vital necessity of such institutions and Government's commitment to same. In 2002 the UN Committee welcomed:

*'the establishment of NHRIs and children's ombudspersons/children's commissioners and similar independent bodies for the promotion and monitoring of the implementation of the Convention in a number of States parties<sup>2</sup>.'*

Article 4 (UNCRC) requires States parties to take "*all appropriate legislative, administrative and other measures*" for implementation of the rights contained within the Convention and the Committee has further stated:

*One of the satisfying results of the adoption and almost universal ratification of the Convention has been the development at the national level of a wide variety of new child-focused and child-sensitive bodies, structures and activities - children's rights units at the heart of Government, ministers for children, inter-ministerial committees on children, parliamentary committees, child impact analysis, children's budgets and "state of children's rights" reports, NGO coalitions on children's rights, children's ombudspersons and children's rights commissioners and so on.<sup>3</sup>*

<sup>2</sup> CRC/GC/2002/2 15 November 2002 The role of independent national human rights institutions in the promotion and protection of the rights of the child.

<sup>3</sup> CRC/GC/2003/5 27 November 2003 General Measures of implementation of the Convention on the Rights of the Child (arts. 4, 42 and 44, para 6)

NICCY as an independent children's rights institution is in a unique situation, in that its remit extends from casework – investigating individual complaints, investigations, assisting and initiating individual legal interventions - to outreach engagement with children and young people - through to the ability to influence policy making in a way which is available to few organisations - through to ensuring government hears the views of children and young people.

In addition the Commissioner can bring together the wide range of organisations which make up the sector locally and, informed by international best practice, develop a collaborative approach to particular issues. Taken together it is felt that these attributes place NICCY in a critical position to progress improvements in the lives of children and young people here over the coming years.

### **Strategic Collaboration**

As well as collaborative engagement with our stakeholders in the children and young people's sector, it is our intention to encourage further 'upstream working' with government/government departments and agencies – particularly OFMDFM our sponsor department, and the key departments of Education, Health and Justice - in our advisory role, to aid and 'inform' the development of legislation, policy and strategies which impact on the lives of children and young people here.

### **Children and Young People's Involvement and Participation**

Ascertaining the views of, and involving children and young people as and where appropriate, is integral to the work of NICCY. As such we view this as a key fundamental principle to be applied throughout all aspects of delivery of the corporate and business plans. NICCY has developed and promotes participation principles and methodologies to ensure 'participation screening' of its own work. It also promotes these principles across all Government Departments through its 'Participation Policy Statement of Intent' (PPSI), as well as the Commissioner's Participation Awards, which recognise good practice across the public sector.

### **Making a Difference Together**

In addressing and focusing our resources in these areas, we would hope to see significant improvement to the 'lived experience' of those children and young people affected by the issues identified, that attitudes will be improved as a result of enhanced awareness of those issues across NI society, and that we will effect real and lasting change through progressing same. In so doing, we recognise the importance of working with the Parents/Guardians/Carers of children and young people and all our stakeholders through integrated, intersectoral working, and will seek to involve the relevant agencies, organisations and individuals in our work including, as necessary, children and young people.



## THE ORGANISATION:

### ABOUT NICCY

The Commissioner for Children and Young People for Northern Ireland (NICCY) was established under the Commissioner for Children and Young People (Northern Ireland) Order 2003 (hereafter ‘the 2003 Order’).

The Office of NICCY was established in recognition that, among the new devolved political structures, there needed to be both structures to coordinate delivery for children across government as well as an oversight body, able to hold the devolved government to account in its delivery for children.

In 2002 the United Nations Committee on the Rights of the Child issued a General Comment on the role of Independent Human Rights Institutions for children, noting that it ‘considers the establishment of such bodies to fall within the commitment made by States parties upon ratification to ensure the implementation of the Convention and advance the universal realisation of children’s rights’.

A number of Non Government Organisations (NGOs) formed an alliance, ‘Putting Children First’, which lobbied political parties to support the establishment of a Children’s Commissioner, and a subsequent Private Member’s bill received broad support across the Assembly.

NICCY was established as an executive non-departmental public body (NDPB) sponsored by the Office of the First Minister and Deputy First Minister (OFMDFM). The Commissioner’s full designated powers took effect from 1 October 2003. Commissioners with similar roles have also been established in England, Scotland and Wales, whilst an Ombudsman for Children is in place in the Republic of Ireland.

The Commissioner’s work is guided by the United Nations Convention on the Rights of the Child (UNCRC). She is supported by a Senior Management Team (SMT) led by the Chief Executive i.e. Head of Legal and Investigations, Head of Policy and Research and Head of Communications and Participation. The Commissioner is also supported by a NICCY Youth Panel (NYP) – the new panel recruited in 2013 – is made up of young people who share and contribute their experiences and opinions to the organisation to help inform NICCY on issues that affect children and young people in Northern Ireland.

## OUR MISSION

To safeguard and promote the rights and best interests of children and young people.

## OUR VISION

A society in Northern Ireland where all children and young people flourish, are involved and their rights and views are respected.

## OUR VALUES

All of our work is underpinned by a number of core values. We apply these in our day to day work and seek outcomes based on the advocacy and realisation of these values.

They are:

|                       |  |
|-----------------------|--|
| <b>Child centred</b>  | Children are at the centre of all we do and we will encourage and value their participation.                                       |
| <b>Rights focused</b> | Our work is underpinned by the United Nations Convention on the Rights of the Child (UNCRC).                                       |
| <b>Collaborative</b>  | We will work in conjunction with others, while maintaining our independence, to deliver more effectively for children.             |
| <b>Independent</b>    | We will challenge Government and relevant authorities and hold them to account.  |
| <b>Dynamic</b>        | We are a forward thinking organisation, innovative and open to change.   |
| <b>Transparent</b>    | We are open, honest, accountable and responsive in all our work.   |
| <b>Enabling</b>       | We will work to build support and capacity to help children, young people, parents and others to act to promote children's rights. |

## REVIEW OF PERFORMANCE

Over the past 3 years (2011-'14), NICCY has focused on delivering the corporate and business objectives set for the period. A full review of our overall performance during each of these, as well as our annual accounts, can be found in successive Annual Reports, the most recent of which can be accessed at [Annual report 2012-13](#) available on our website [www.niccy.org](http://www.niccy.org). You may also access our recent publication launched at our 2013 Annual Conference outlining some highlights over the past decade at [NICCY 10 year Commemorative Publication](#) and more in depth 'Impact Reports' on specific areas of NICCY's work<sup>4</sup>.

### Use of the Commissioner's Powers

NICCY has intervened at each level of the court system in Northern Ireland as well as in the UK Supreme Court and the European Court of Human Rights. These interventions involve cases concerning:

- The right to privacy;
- the right to be heard;
- The right to family life; and
- The right to education.

We currently have two active interventions before the ECHR and are, we understand, the only European Children's Commissioner to have done so at this level. The current interventions are around the child's right to privacy and the right to education.

The Legal and Investigations Department deal with a large number of enquiries daily from

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- [Children and Young People – Taking Part Counts! \(pdf\)](#). / [view this document in MS Word format](#)
- [Implementing Children's Rights \(pdf\)](#). / [view this document in MS Word format](#)
- [Youth Justice \(pdf\)](#). / [view this document in MS Word format](#)
- [Special Educational Needs And Inclusion \(pdf\)](#). / [view this document in MS Word format](#)
- [Engaging With Our Stakeholders \(pdf\)](#). / [view this document in MS Word format](#)
- [Having Their Say \(pdf\)](#). / [view this document in MS Word format](#)
- [Legal And Investigations \(pdf\)](#). / [view this document in MS Word format](#)
- [Safeguarding Board For Northern Ireland \(pdf\)](#). / [view this document in MS Word format](#)
- [Speech And Language Therapy \(pdf\)](#). / [view this document in MS Word format](#)

Children, Young People, and their Parents/Guardians/Carers on potential breaches of their rights by relevant authorities. Over the last number of years on average, 650 enquiries were dealt with each year. These enquiries encompass a wide range of issues which includes education, health provision, child protection, social welfare and others. By far the largest area is education and this includes the sub categories of special educational needs, bullying, suspensions and expulsions, school transport, school placement, school closures and complaints about teachers. Of these sub categories special educational need is by far the largest by a considerable margin.

We shall continue to provide this vital casework service to support children, young people and their parents/guardians/carers through difficult situations to help them address potential breaches of the rights of children and young people.

NICCY has over the past 3 years provided funding in a number of cases meeting our Legal Funding Criteria to enable children and young people to progress or initiate legal proceedings when all other avenues have failed to address a breach of their rights. All applications for funding continue to be assessed against these criteria and where appropriate, funding provided to enable children to have access to legal recourse in respect of their rights.

### **Children's and Young People's Participation**

The Commissioner's work has been informed by the 'voice' of children and young people in a range of key areas – for example:

- The Commissioner and her staff met with almost 10,000 children and young people in the last 3 years people to engage with them, hear what it is important in their lives and shape NICCY's work;
- NICCY's Youth Panel providing direct input to the Commissioner's work, as well as leading on key activities to ensure their voices were heard at the highest level of government; and
- Gathering young people's views on the work of government was a key focus of the 'Make It Right' campaign, which saw the views of schoolchildren, college students and other young people brought directly to, and acknowledged by, Government Ministers.

Throughout all this activity, media outlets - ranging from television, radio and print

publications - have included the views of young people, including our youth panel expressing their views on a range of topics including negative stereotyping, school transport and nature of reporting on young people in the media.

In the absence of government having a specific policy on the participation of children and young people in Northern Ireland, NICCY undertook a series of initiatives to encourage the mainstreaming of meaningful engagement within our public sector including:

1. The development of the Participation Policy Statement of Intent (PPSI) - endorsed by 11 government departments. In addition, 14 local councils have also made this public commitment to the participation of children and young people in decision-making.
2. To support government bodies in developing best practice in participation, members of NICCY's Youth Panel developed the 'Participation Awards', establishing the Awards as a biannual event. The two events to date have been sponsored by the Junior Ministers, who made public commitments to advance work on participation.
3. Working with pupils to develop School Councils in every school and produced a 'Democra-School' pack and guide to establishing a school council. Following evidence given to the Education Committee's Inquiry into school councils, the Minister for Education gave a public commitment to establish a policy on school councils at the launch of our Shared Education Report in the spring of 2013, and is currently developing a Departmental Circular on pupil participation in schools.
4. Partnering Universities including Teacher Training Universities to work with student Teachers/Youth and Community Workers on training and education programmes on children and young people's rights. Over 600 student teachers and Youth and Community Workers received this. A Master's Degree module was also designed and delivered, further encouraging the UNCRC 'in the classroom'.

### Stakeholder Engagement

To maximise our outputs on this we audited awareness of NICCY among key stakeholders. Results showed that there has been an increased awareness of the Commissioner over recent years. In response to identified gaps, we have developed a Stakeholder Engagement Strategy which we will continue to 'roll out'.

For example, ongoing political engagement in line with our programmes of work has, we believe, contributed to increasing reference to the UNCRC by Ministers and MLAs in Assembly debates, plenary sessions, committee meetings and departmental strategies. We have also increased engagement with/by our Community and Voluntary NGOs, Government Officials, Departmental Agencies, Legal 'Community', Academics, Local, National and International Colleagues. We are pleased that our work is increasingly being used and quoted by them.

Media coverage of the Commissioner's position statements, key report launches making calls to Government, newspaper stories, radio appearances and television interviews have also increased during this period.

### **Scrutiny of Government Delivery for Children and Young People**

At the beginning of the 2011-14 Corporate Plan the Commissioner decided to take a new approach to the provision of advice to Government. Where in the past, we responded to a large number of public consultations, it was decided that we should seek to engage with policy makers earlier in the policy development process. This, it was hoped, would enable NICCY to support policy makers and indeed legislative drafters to consider the implications of children and young people's rights in the formative stages.

Rather than identifying a number of issues on which to provide advice, we instead sought to engage with Departments having responsibility to deliver for children - the Department of Education, Department of Health, Social Services and Public Safety, Department of Justice and the Office of the First Minister and deputy First Minister.

In accordance with this decision, the Commissioner has provided advice to these Departments and their agencies on a range of issues over this period, including the NI Budget, development of the Programme for Government, Delivering Social Change, Childcare, Child Poverty, Play, Special Educational Needs, Shared Education, the Common Funding Scheme, the Review of the Criminal Records Regime, the Review of the Youth Justice System, the Community Safety Strategy, the Safeguarding Board, the Advocacy Strategy, Welfare Reform, Age Discrimination legislation (Goods, Facilities and Services) and the Mental Health and Capacity Bill.

While we will advise government on emerging policies, legislation and services, we also have a duty to keep under review the adequacy and effectiveness of current law, practice and services. This includes proactively providing advice on critical areas, through conducting or commissioning research. Over the three years of the 2011-'14 Corporate Plan, NICCY will have commissioned/conducted and disseminated ten research reports, each of which have provided specific recommendations to government on issues impacting on the realisation of children and young people's rights and best interests.

These are on:

- Barriers to Effective Government Delivery for Children;
- Assessing the Impact of Welfare Reform Proposals on Children;
- The Operation of the Parity Principle in NI in relation to Welfare Reform;
- Transitions to Adult Services for Young People with Learning Disabilities;
- The Impact of Early Childhood Experiences on Adolescent Suicide and Accidental Death;
- The Role of Significant Adults in the Lives of children and young people in Contact with the Criminal Justice System;
- Shared Education and Area Based Planning;
- A Model of Guardianship for Separated Children Subject to Immigration Control;
- An Analysis of Budget Allocations for Children and Young People in N. Ireland; and
- Options for Legal Measures in Implementing Children's & Young People's Rights.

We had also worked with the Offices of the Children's Commissioners in England, Scotland and Wales to produce a mid-term report to the UK Government on their progress in implementing the CRC's Concluding Observations in a number of key areas, and have developed plans to produce a shadow report to the UN Committee on the 2014 UK State Party report.

### Corporate Performance and Impact

NICCY has strengthened its focus on impact and corporate performance. In addition it is pertinent to highlight the following:

- NICCY's Annual Conference - celebrating International Children's Day and the anniversary of the UNCRC – the first (2012) of which saw the launch of our aim to realise Child Rights legislation for NI; the 2013 Conference saw the launch of draft options to progress this and thanks are due to those Stakeholders who have already been part of this process giving of their time, knowledge and expertise;
- Review of the Legislation\* – Second review conducted (see earlier reference);



- Age: Goods, Facilities and Services (GFS) [proposed extension to EU Directive] – this has entailed joint working with ECNI, and engagement with legal experts, political ‘actors’ and sectoral organisations to ensure the inclusion of children and young people in these legislative proposals;
- UNCRC Reporting – collaborative work with other UK Children’s Commissioners’ Offices and engagement with Government Officials (see earlier reference);
- Greater Stakeholder Engagement – for example the establishment of the Child’s Rights Implementation Group; increased outreach work with marginalised, vulnerable and/or ‘at risk’ young people, involvement on advisory groups pertaining to NICCY’s remit;
- Enhanced Focus on Training and Education - involving all disciplines within NICCY and delivered to a broadening range of relevant sectors whose work impacts on the lives of children and young people and Parents/Guardians/Carers;
- Increasing Partnership Working – for example finalising MoUs, Protocols etc with a range of Bodies/Organisations (including our joint ESRC project with Queen’s, ECNI joint work as above, PPSI ‘roll out’);
- Shift towards ‘upstream’ advice and input – i.e. the growing positive practice by government departments and other statutory Bodies/Institutions re’ NICCY input / advice earlier in the development process;
- High level ‘Information / Induction Seminar’ - this has been developed for delivery by the Senior Management Team – with the Commissioner - for visiting Delegations such as the Icelandic Ombudsman’s Office, Government Officials, Children’s Champions, to aid enhanced understanding of the role, remit and responsibilities of NICCY;
- Brand Review - as part of a timely communications review on the Commissioner’s ‘brand’, resulting in updating and ‘strengthening’ of same;
- Funding for Partner Organisations - It is pertinent to note that NICCY works in partnership with other organisations and by so doing, has generated greater impact and indeed ‘attracted’ the award of grants for partners to facilitate joint pieces of vital work e.g. the Economic & Social Research Council granted an award to Queen’s University which enabled the work on developing the draft options paper on Child Rights Legislation in 2013-’14 business year;



- Corporate Governance – i.e. “The system by which organisations are directed and controlled” (Cadbury) has been enhanced by Chief Executive and supported by the Heads of Department. A range of work has been undertaken in the areas of corporate performance, impact, governance frameworks, performance management and work practice. These set out the structures and processes for decision making and accountability, controls and behaviours and combine the two elements which produce good governance i.e. the ‘Hard’ systems and processes and ‘Soft’ characteristics of effective leadership and high standards of behaviour (Nolan Principles).

These frameworks and supporting systems are vital in ensuring confidence. NICCY staff have worked hard and are to be commended for their contribution towards improving focus on outcomes, impact and corporate performance – thereby enhancing our effectiveness and efficiency.

## CONTEXT: FACTORS AFFECTING THE EXECUTION OF THE PLAN

### Political, Economic, Social, Technological, Environmental and Legal Context:

#### Political context

NICCY's work with the Northern Ireland Executive and Assembly will continue, required as we are, to keep under review the adequacy and effectiveness of law, practice and services as they impact upon children and young people. We will maintain our positive working relationships with individual committees of the Northern Ireland Assembly to address the key issues affecting children and young people. We are mindful that this Corporate Plan will be delivered in a period of considerable political and administrative change with the forthcoming elections to Councils, the NI Assembly, Westminster and Europe during this time. NICCY will take cognisance of same including the current Programme for Government (extended until 2016) and that of the new Executive.

We have continued constructive working relationships with the Commissioners in England, Scotland, and Wales as well as that with the Children's Ombudsman in Ireland. Collectively we are members of the British and Irish Network of Ombudsmen and Children's Commissioners (BINOCC). This group meets independently but is also a sub-committee of the European Network of Ombudsmen for Children (ENOC), of which we are also members. Further information about the role of this group can be obtained on its website [www.ombudsnet.org](http://www.ombudsnet.org). The upcoming examination by the UN Committee on the Rights of the Child of the UK State Party Report (which may not take place until 2016) represents an important opportunity for our independent review of Government's compliance with the UNCRC. As stated earlier, NICCY will again be submitting a joint Shadow Report to the Committee from all four UK Children's Commissioners.

#### Economic context

Given this ongoing period of economic recession and plans to reduce public sector expenditure, we are aware of growing concerns about frontline children's services. We will continue to monitor the potential impact of such cuts to ensure that provision to our most vulnerable groups of children in Northern Ireland is protected. Building on our work in welfare reform – reminding government of its obligations under UNCRC - we will continue to address the issue of growing child poverty which adversely impacts upon their life opportunities and outcomes. In line with Article 4 and the Concluding Observations of the

UN Committee, we will also build on our 'Children's Budgeting' work – one element in Child Rights compliance. (*see earlier and later sections*). NICCY is mindful that the Committee have stated that poverty is one of the main reasons children and young people do not always realise their rights.

Internally in NICCY, we will continue to work closely with OFMDFM to make sure the 'level of resource' ensures NICCY is 'fit for purpose' and enabled to deliver on agreed priorities. We have also been working with other OFMDFM sponsored Arms Length Bodies (ALBs) to identify and implement efficiencies and cost savings through closer collaboration and sharing of services.

In seeking to ensure maximum impact, value for money and avoid duplication, NICCY will build on the positive working relationship with organisations within the children and young people's NGO Sector and will work closely with other statutory organisations in the public sector, particularly the Northern Ireland Human Rights Commission (NIHRC) and the Equality Commission for Northern Ireland (ECNI). We will also continue to seek opportunities with other organisations to share services in order to reduce cost and maximise service resilience.

As stated earlier we plan to utilise our resources over the period of this plan in effective and efficient pursuit of our corporate and business objectives. In line with best practice we have recently reviewed and strengthened our governance processes and structures to meet associated demands.

### **Social context**

Reducing social exclusion is, as with many in NI, a priority for NICCY. Arising for example from poverty, sectarianism, racism, heterosexism and/or discrimination against those living with a disability - a significant reality for some of our children and young people - requires us to ensure that consistent approaches to equality and human rights protections are fundamental to our work. We will continue to work with our partners in the various human rights and equality bodies, here and externally, to promote social inclusion.

NICCY will continue to work against the demonisation and/or negative stereotyping of children and young people – with our colleagues, relevant stakeholders and NICCY's recently recruited Youth Panel – in support of the UN Committee's Concluding Observations and to promote understanding of how 'rights based approaches' can deliver effectively for children and society.

### Technological context

Externally NICCY is aware of the growing plethora of online social media and networking sites. Our priority as always is to ensure as far as possible, that children and young people are safeguarded and protected from exploitation. NICCY will take cognisance of the UN Committee's General Comment 13 on 'The right of the Child to freedom from all forms of violence' particularly in relation to bullying, cyber bullying and e-safety (see earlier). We also recognise that there can sometimes be a disparity between adult and young people's understanding/use of such media, therefore we will be working with relevant agencies and experts in this area to incorporate recommended safeguards / protections.

Internally, we had commissioned an 'online communications review' for NICCY to address the challenges and opportunities presented by such developments. The implementation of recommendations is to be progressed. We appreciate that our children and young people – as well as adults - continue to engage with these new technologies, shaping how they engage and interact with each other and wider society.

### Environmental context

NICCY is aware that we operate in a complex environment – much of which has been highlighted already. We will continue to be aware of the various 'environmental factors' – financial, political, social, and indeed physical - which impact on our work and assess risk accordingly. We acknowledge that it is good practice for us to ensure effective controls within and across the organisation.

NICCY will always strive to ensure openness, transparency and accountability as we work towards 'Safeguarding and Promoting the Rights and Best Interests of children and young people'.

### Legislative Context

The Commissioner is guided by the United Nations Convention on the Rights of the Child (UNCRC), an international agreement ratified by the UK State Party, setting out how children should be treated and the rights that they have. The Commissioner's duties and powers are set out in the Establishing Order and may be grouped under three main areas as follows:

- **Addressing Breaches of Rights / Complaints and/or taking Legal Action** – the Commissioner can deal with individual complaints from children and young people, or their Parents / Guardians / Carers about any services delivered by ‘relevant authorities’ whose work impacts upon those under 18 years of age or under the age of 21 for those with a disability or who are ‘care experienced’. The Commissioner has the power to undertake service reviews, general inquiries, research or investigations into issues where she believes children and young people’s rights and/or best interests are being adversely affected.
- **Advising Government on the Rights and Best Interests of Children and Young People** – both in response to requests from Government and proactively as the Commissioner may determine. The Commissioner grounds her work in evidential bases whether through research, casework, and ‘intelligence’ collated from stakeholders including children and young people.
- **Promoting Children’s and Young People’s Rights** – in promoting rights, the Commissioner must communicate effectively with children and young people and their Parents/Guardians/Carers and must raise awareness of her functions, location of her office and how she may be contacted. She is also required to seek the views of children and young people in her work.

Other key areas of legislation, proposed legislation, policies and strategies as well as international recommendations such as the Concluding Observations / General Comments from the United Nations’ Committee on the Rights of the Child, which have an impact on the lives of children and young people within Northern Ireland are kept under review as necessary.

### **Review of the Legislation - The Commissioner for Children and Young People Order (NI) 2003.**

This review has recently been completed and the report on same submitted to OFMDFM. NICCY has also submitted, as required under Article 24 of the Order, recommendations from the Commissioner which will improve the operation and impact of the Office. NICCY has had a series of meetings / information sessions on these and will take appropriate action following receipt of response. Both reports and recommendations are available on our website at:

- [A Review of the Duties and Powers of the Northern Ireland Commissioner for Children and young people](#) - by Barry Fitzpatrick and Brice Dickson
- [Report To: The Office of the First and Deputy First Ministers Under Article 24 of The Commissioner for Children and Young People \(NI\) Order \(2003\)](#) - NICCY

### **Review of the Office of the NI Commissioner for Children and Young People**

OFMDFM is required, as detailed within NICCY's Management Statement and Financial Memorandum, to commission a comprehensive review of the Office of the Commissioner for children and young people for Northern Ireland every 3 years. This Corporate Plan period will see implementation of agreed recommendations ensuing from the Review of the Office conducted within the 2014-15 business year.

### **Our Sponsor Department - OFMDFM**

NICCY's relationship with OFMDFM - as sponsor department - is set out in the Management Statement and Financial Memorandum (MSFM).

Periodic meetings with agreed terms of reference are held between NICCY and OFMDFM to ensure the accountability of NICCY in relation to good governance arrangements.

NICCY's role is also to ensure that it monitors the Department's work - as it impacts upon children and young people - in line with its legislative remit and function and in regard to relevant directorates within OFMDFM.

## OUR KEY ASSUMPTIONS

NICCY has developed this Corporate Plan in line with its statutory duties and powers and remains committed to its fundamental aim of safeguarding and promoting the rights and best interests of children and young people. The fulfilment of objectives is based on the following key assumptions:

1. We recognise that we live in a society where breaches of children and young people's rights and best interests occur, therefore there is the ongoing need to safeguard and promote same.
2. Recognising the difficult economic situation in the UK at present, we will receive adequate financial support through the Office of the First Minister and deputy First Minister to effectively deliver on this Corporate Plan.
3. We will continue to receive the political commitment to carry out the functions of the Commissioner for children and young people by the Northern Ireland Assembly.
4. The Review of NICCY's legislation will be given due consideration and agreed recommendations taken forward.
5. The Review of the Office of the Commissioner will contribute to enhanced effectiveness.
6. As the current Commissioner's term of office ends in January 2015, the process of appointing the new Commissioner will be such as to avoid any potential gap.

## THE PROCESS OF CORPORATE PLAN DEVELOPMENT

The process of developing this corporate plan – with expert input from our external facilitator/s - has included an internal review of work carried out through the previous Corporate Plan including identification of those areas/issues which NICCY is to take forward. These were identified based on trends and gaps identified through our casework reviews conducted on a quarterly basis including issues brought forward via our 'Legal Outreach Clinics'; those raised by relevant stakeholders<sup>5</sup> including their views, opinions and input through direct and indirect engagement and issues identified via information received, analysing of information, desktop research and awareness of new and emerging developments.

NICCY drafted agreed objectives following internal meetings involving the Commissioner, Chief Executive, Heads of Departments and the staff body. NICCY also takes cognisance of Programme for Government priorities along with new and emerging governmental policies, strategies and developments.

NICCY's Stakeholder engagement process involved:

- Issuing of draft plan via our e-zine to 1,800 recipients and further issue on request from individuals/organisations – including those involved in NICCY fora;
- Focus Groups with appropriate key stakeholders
- Focus Group with Children and Young People through NICCY's Youth Panel;
- Extension to deadline following requests from stakeholders;
- Internal meetings following input/feedback received from stakeholders;
- Responding to stakeholders;
- Re-drafting of Corporate Plan 2014-'17 and submission to OFMDFM.

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<sup>5</sup> NICCY's Stakeholder Engagement Strategy has been revised and updated. Our Stakeholders are identified thus: Children & Young People [C&YP]; Parents/Guardians and Adults; Ministers / MLAs / Politicians / Political Parties; Govt Departments & Officials (including sponsor dept OFMDFM and Departmental Children's Champions); Statutory Bodies and Agencies; Media – Print, TV, Radio, Online; NGOs (Voluntary and Community Sectors); NDPB/ALBs (including other Commissioners' and Ombudsman's Offices); Domestic, National and International C&YP Rights Bodies.



## HIGH LEVEL CORPORATE OBJECTIVES 2014-17

The following section sets out NICCY's high level corporate objectives over the period of this plan i.e. 2014-'17. These have been based on information collated, trends identified, input and feedback received from Stakeholders, and are in line with our statutory duties and exercise of relevant powers. These represent necessary continuity and the acknowledgement that much of the impact of our work i.e. the difference we all wish to see in the lives and life outcomes for our children and young people, takes place over longer periods of time. We acknowledge the realisation of these will involve strong partnership working and the commitment of other agencies and bodies and welcome collaborative partnership working to achieve same.

*NB: Noted after each objective are CRC articles which relate.*

### Desired Outcomes for Children and Young People

That:

1. Government will meet its obligations to undertake all the appropriate legislative, administrative and other measures for the implementation of the UNCRC (Article 4).
2. Breaches or violations of children and young people's rights will be identified, challenged and resolution sought/achieved using the most appropriate of the range of legal powers vested in the Commissioner (NICCY Order 2003 / All relevant CRC articles).
3. Key stakeholders will have an increased awareness of children and young people's rights, the UNCRC and the functions of the Commissioner (Articles 17, 42).
4. All children and young people will access a high quality education which develops their personality, talents and abilities to the full. (Articles 28, 29).
5. All children and young people will enjoy the best possible health and will be protected from all forms of violence, abuse, neglect and mistreatment. (Articles 19, 24, 34).
6. All Children and young people in conflict with the law will be treated with dignity and their rights respected. (Article 40).

7. All Children and young people who are vulnerable due to poverty, family background, age, disability or other reasons will not experience discrimination, but enjoy their rights on an equal basis to other children (Article 2, 23).
8. NICCY utilises Organisational resources – Human and Financial - effectively and efficiently to maximise overall Corporate Performance and Impact in pursuit of the rights and best Interests of children and young people (NICCY Order 2003 / All relevant articles).

## Achieving our Corporate Objectives 2014-‘17

### 1. Government will meet its obligations to undertake all the appropriate legislative, administrative and other measures for the implementation of the UNCRC. (Article 4)

One of the key duties of the Commissioner is to scrutinize government delivery for children and young people and to provide advice on the changes required to realize children's rights and to work in their best interests. This includes the General Measures of Implementation included in the UNCRC and further outlined in General Comment 5 (2002).

#### We will achieve this objective through:

- Advising government on the development of child rights legislation and its implementation;
- Engaging with government to support activities to strengthen its delivery in relation to the following General Measures of Implementation:
  - Child Rights Impact Assessment
  - Training of government officials and raising awareness of the UNCRC
  - Data collection and the development of indicators
  - Joined up working
  - Child budgeting
  - Participation of children and young people
  - A national strategy for children and young people
- Monitoring delivery for children against the Executive's over arching strategies for children, e.g. Delivering Social Change for Children and Young People, and on the Programme for Government 2011-15;
- Advising on the development of the new Children's Strategies e.g. Delivering Social Change; Programme for Government and NI Budget;
- Working in partnership with the other three UK Children's Commissioners to produce a UK wide shadow report to the UN Committee on the Rights of the Child as part of the forthcoming examination of the UK State report.
- Directly involving children and young people on issues affecting their lives to ensure their voice is heard by government.

**2. Breaches or violations of children's and young people's rights will be identified, challenged and resolution sought/achieved using the most appropriate of the range of legal powers vested in the Commissioner (NICCY Order 2003 / All relevant CRC Articles).**

Article 4 of UNCRC requires state parties to undertake all appropriate measures for the implementation of the rights of the convention. NICCY has a specific duty to keep under review the adequacy and effectiveness of law, practice and services relating to the rights of children and young people. Where breaches or violations of these rights are identified NICCY will use its range of powers to challenge same, under our own legislation.

In order to fulfil these duties the Commissioner is vested with a range of powers as follows:

- The power to assist with complaints to a relevant authority;
- To investigate complaints against a relevant authority;
- To bring, intervene in or act as amicus curiae in legal proceedings;
- As well as the power to conduct formal investigations.

NICCY can further offer assistance by way of funding for legal cases which pertain to the rights and best interests of children and young people.

**We will achieve this objective through:**

- Maintaining an active casework service wherein alleged rights breaches can be reported to us and where appropriate, we will seek to resolve same at a local level using the range of powers available to the Commissioner;
- Bringing legal cases in order to challenge rights breaches where all other avenues of redress have been exhausted;
- Intervening in appropriate legal cases;
- Acting as amicus curiae to the Court when requested;
- Conducting formal investigations in accordance with the Commissioners statutory powers, where appropriate;
- Analysing trends in matters reported to us to inform the work of the Commissioner;
- Providing advice to Government, where appropriate, on the adequacy and effectiveness of law, practice and services as identified via our legal service.

### 3. Key Stakeholders will have an increased awareness of children and young people's rights, the UNCRC and the functions of the Commissioner (Art's 17, 42)

Having regard to Article 42 of the UNCRC, underpins NICCY's duty to promote awareness of children's and young people's rights, create an understanding of the role and functions of the Office and to 'seek the views of children and young persons' in the exercise of the Commissioner's functions.

To do this effectively NICCY engages with key stakeholders in line with our Stakeholder Engagement and Participation Strategies.

#### **We will achieve this objective through:**

- Raising awareness by engaging formally and informally, with a range of stakeholders from children and young people and their parents to Government, the media, legal practitioners, organisations, groups and individuals;
- Periodically, surveying our key stakeholders to ascertain any gaps in awareness and delivering on appropriate strategies and programmes;
- Increasing recognition and awareness of NICCY and the outward facing role of the Commissioner;
- Ongoing monitoring of media, political and online activity to analyse trends in how children and young people's issues are viewed and reported.
- Working through new and innovative communications channels, in addition to traditional channels, to ensure two-way engagement with our stakeholders; and
- Supporting young people by facilitating opportunities where they themselves can raise awareness of their rights.

#### **4. All children and young people will enjoy a high quality education which develops their personality, talents and abilities to the full. (Articles 28, 29).**

This objective reflects NICCY's duty to review and advise on the adequacy and effectiveness of law, practice and service provision relating to children and young people. Under this objective we will focus on children's right to an effective, quality education.

##### **We will achieve this objective through:**

- Gathering and assessing information relating to education through research and reports, legal casework, direct engagement with children, young people, parents and other stakeholders to identify breaches in their right to education;
- Scrutinising law, practices and service provision for children and young people through monitoring educational outcomes;
- Producing reports to government and other relevant authorities in relation to critical matters affecting children's education and pursuing recommendations;
- Providing advice to government on matters affecting children's education. While this will largely be provided to the NI Executive, to a lesser extent, when relevant, advice will also be provided to the UK government and international agencies.

**5. All children and young people will enjoy the best possible health and will be protected from all forms of violence, abuse, neglect or mistreatment. (Articles 19, 24, 34)**

This objective reflects NICCY's duty to review and advise on the adequacy and effectiveness of law, practice and service provision relating to children and young people. Under this objective we will focus on children's right to the best possible health and to be protected from violence, abuse, neglect or mistreatment.

**We will achieve this objective through:**

- Gathering and assessing information relating to health and safeguarding through research and reports, legal casework, direct engagement with children, young people, parents and other stakeholders to identify breaches in their right to education;
- Scrutinising law, practices and service provision for children and young people through monitoring health outcomes, and assessing evidence in relation to safeguarding practices;
- Producing reports to government and other relevant authorities in relation to critical matters affecting children's health and safety;
- Providing advice to government on matters affecting children's health and safety. While this will largely be provided to the NI Executive, to a lesser extent, when relevant, advice will also be provided to the UK government and international agencies.



## 6. All Children and young people in conflict with the law will be treated with dignity and their rights respected. (Article 40)

Article 40 of UNCRC requires state parties to recognise the right of every child in conflict with the law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth. NICCY has, under our own legislation, a duty to review and advise on the adequacy and effectiveness of law, practice and service provision relating to children and young people. Under this objective we will focus on the rights of children and young people to proper legal representation and to only be placed in custody for the most serious offences, together with their right to remain in contact with their family and be treated appropriately.

### We will achieve this objective through:

- Gathering and assessing information regarding children in conflict with the law through research and reports, legal casework, direct engagement with children, young people, parents and other stakeholders to identify breaches of their rights;
- Monitoring the progression of implementation of the Youth Justice Review;
- Scrutinising law, practice and service provision for children and young people in the areas of policing and justice;
- Providing advice to government on matters regarding children in conflict with the law;
- Liaison with the Department of Justice and the Minister for Justice on relevant issues.

**7. All Children and Young People who are vulnerable due to poverty, family background, age, disability or other reasons will not experience discrimination, but enjoy their rights on an equal basis to other children (Article 2, 23)**

This objective reflects NICCY's duty to review and advise on the adequacy and effectiveness of law, practice and service provision relating to children and young people. Under this objective we will focus on vulnerable and/or marginalised groups of children to ensure that their rights are respected on an equal basis to other children.

**We will achieve this objective through:**

- Gathering and assessing information relating to these vulnerable groups of children through research and reports, legal casework, direct engagement with children, young people, parents and other stakeholders to identify breaches in their rights;
- Scrutinising law, practices and service provision for vulnerable children and young people through monitoring outcomes;
- Producing reports to government and other relevant authorities in relation to critical matters affecting vulnerable groups of children and young people;
- Providing advice to government on matters affecting vulnerable children. While this will largely be provided to the NI Executive, to a lesser extent, when relevant, advice will also be provided to the UK government and international agencies.

**8. NICCY utilises Organisational resources – Human and Financial - effectively and efficiently to maximise overall Corporate Performance and Impact in pursuit of the rights and best Interests of children and young people (NICCY Order 2003 / Relevant Art's CRC).**

The Office will ensure effectiveness and efficiency in maximising our corporate performance and organisational impact through professional systems of corporate governance including finance, human resources, performance management and reporting - delivering on annual Business Plans' targets within annually allocated budgets to achieve value for money while focusing on greatest impact within organisational resources.

As stated earlier NICCY is increasing its 'partnership' working with other organisations e.g. the Economic & Social Research Council award to Queen's University which enabled the work on developing the draft options paper on Child Rights Legislation in 2013-'14 business year. We are currently involved in a joint project with Atlantic Philanthropies through Dartington University progressing our second piece of work on 'Children's Budgeting'.

**We will achieve this objective through:**

- Maximising NICCY's performance, impact and overall effectiveness and efficiency - internally and externally – via internal reviews and audits and implementation of agreed recommendations;
- Developing annual Business Plans based on this Corporate Plan utilizing organizational resources – human, financial and physical - to best effect ensuring focus on value for money;
- Accurately monitoring and reporting on NICCY's Performance and the impact of NICCY's work;
- Reporting on NICCY's Annual performance by producing an Annual Report and Accounts and laying same before the NI Assembly;
- Holding an Annual Event with Stakeholders across the range profiling NICCY's work and impact on agreed area/s;

- Addressing the recommendations ensuing from the OFMDFM Review of the Office;
- Addressing OFMDFM's response to NICCY's Article 24 report as per the Review of the Legislation;
- Enhancing NICCY's 'presence', profile, impact and corporate performance through engagement on relevant issues/areas of work in local, national and international arenas (including that on PfG, Elections, JCHR, UK State Party Reporting)
  - NI Assembly;
  - UK Government;
  - BINOCC;
  - ENOC;
  - EU Commission;
  - Council of Europe; and
  - United Nations;
- Updating relevant corporate governance systems and policies as necessary/required e.g. Risk Management Policy and Corporate Risk Registers, Scheme of Delegation, SMT ToR;
- Reviewing NICCY's 'corporate social responsibility' activities i.e. 'environmentally friendly policy and practice', and shared services ensuring appropriate and 'value for money' (see above);
- Contribute to efficient transition in relation to outgoing and incoming Commissioner in 2015.

## APPENDIX:

### THE STATUTORY DUTIES AND POWERS OF THE COMMISSIONER

Article 6(1) of the 2003 Order established the Commissioner's principal aim as follows:

#### **“To Safeguard and Promote the Rights and Best Interests of Children and Young Persons”**

The Commissioner's paramount consideration shall be the rights of the child or young person.

The Commissioner shall have regard in particular, to the ascertainable wishes and feelings of the child or young person (considered in light of his/her age and understanding).

The Commissioner shall have regard to the importance of the role of parents in the upbringing and development of their children; and any relevant provisions of the United Nations Convention on the Rights of the Child.

### STATUTORY DUTIES AND POWERS OF THE COMMISSIONER

Article 7 of the 2003 Order outlines the duties of the Commissioner which are:

- To promote an understanding of the rights of children and young persons;
- To promote an awareness of the importance of those rights and a respect among children and young persons for the rights of others;
- To promote an awareness of matters relating to the best interests of children and young persons;
- To keep under review the adequacy and effectiveness of law and practice relating to the rights and welfare of children and young persons.
- To keep under review the adequacy and effectiveness of services provided for children and young persons by relevant authorities.
- To advise government and relevant authorities on matters concerning the rights or best interests of children and young persons.
- To take reasonable steps to ensure that children and young persons and their carers are made aware of the functions of the Commissioner, the location of her office and the ways in which they may communicate with the Commissioner;

- To take reasonable steps to ensure that children and young persons are encouraged to communicate with the Commissioner;
- To take reasonable steps to ensure that the content of any matter published by the Commissioner takes account, so far as practicable, of the age, understanding and usual language of any children or young person by whom it is intended that such matter will be read and of the effect of any disabilities they may have;
- To take reasonable steps to ensure that the views of children and young persons and their parents are sought concerning the exercise by the Commissioner of her functions;
- To take reasonable steps to ensure that the services of the Commissioner are, so far as practicable, made available to children and young persons in the locality in which they live.

Articles 8-15 outline the Commissioner's general powers which are to:

- Undertake, commission or provide financial or other assistance for, research or educational activities concerning the rights or best interests of children and young persons or the exercise of her functions;
- After consultation with such bodies as she thinks appropriate, issue guidance on best practice in relation to any matter concerning the rights or best interests of children or young persons;
- For the purpose of any of her functions, conduct such investigations as she considers necessary or expedient;
- Compile information, provide advice and publish any matter concerning the rights and best interests of children and young persons, including the outcome of any research or investigation and any advice provided by the Commissioner;
- Make representations or recommendations to anybody or person about any matter concerning the rights and best interests of children and young persons;
- Conduct general reviews of advocacy, complaint, inspection and whistle blowing arrangements of relevant authorities;
- Review advocacy, complaint, inspection and whistle blowing arrangements of relevant authorities in individual cases;
- Provide assistance with complaints to relevant authorities;
- Conduct investigations of complaints against relevant authorities; and
- Bring, intervene in or assist in legal proceedings.