Walking or Talking Participation? Event

See below details of the speakers presentations and Patricia Lewsley-Mooney’s closing remarks and calls to action.

Laura Webb – NICCY Youth Panel Member

Good morning ladies and gentlemen. You are very welcome to the Northern Ireland Children’s Commissioner’s launch of its ‘Walking or Talking Participation?’ report.

My name is Laura Webb and I am a member of the NICCY Youth Panel.

Before I hand you over to our first speaker I’d like to share a few thoughts on why, as a young person, being part of a participative decision making process is important to me.

I hope you would agree with me when I say that children and young people play a valuable role in society. From forming the next electorate to developing into the next generation of teachers, business entrepreneurs and politicians. As scary as it sounds we are the next generation to lead the country. So therefore why shouldn’t our voices be heard when it comes to decision making.

Being part of an organisation such as NICCY gives young people the chance to have their voice heard and with the last Census telling us that almost 120,000 young people between the ages of 10-19 live in Northern Ireland NICCY plays a valuable role in representing this.

I go to Carrickfergus Grammar school where it has become normal for all stakeholders (including pupils) to have an input on decision making for issues such as school code of conduct and policies such as curriculum, pastoral care and discipline. We are taught that our voices are important and that every pupil has a valid opinion and organisations such as NICCY, outside the education sector, provide a forum for those opinions to be expressed. I, like many young people, like to have my voice heard (just ask my parents) and to have a say on issues that affect my life short term and long term such as tuition fees, welfare benefits, driving regulations and policing.
With this in mind I was delighted to be given the chance to join the NICCY youth panel by my school in July 2013. This gave me opportunities to voice my opinions and listen to the opinions of others particularly within the participation group. This allowed me to work with several members on the Youth Panel but in particular with Nikita Harkin, who is currently studying in Kings College London. We both worked with Paula Keenan with regards to the Participation research.

This involved Paula asking us what we felt should be included within the research questions and to give some advice to government departments on effective Participation. Paula was keen to listen to both of our viewpoints and took our advice on board. The next stage was for Paula to feed this information back to the wider youth panel at one of our regular meetings.

The end product of this process is a set of criteria for effective Participation that truly represents the thoughts and feelings of the entire NICCY youth panel. We have used this information to develop our marking criteria for the Participation Awards which are now open for applications and will be scored by the panel with the hope to highlight some of the best practice in Participation by government and public bodies. Thank You.
Marlene Kinghan – Head of Communication and Participation

NICCYs Participation journey began when the office first opened in 2004. However we know that a lot of pioneering work in developing Participation had been going on long before a Commissioners Office was established. And in fact we also know that the drive for the legislation that set NICCY up was driven by many of the organisations represented here today along with others, not here today.

Since that time, with the support of people like yourselves and importantly with the tremendous involvement of many, many C&YP, we’ve been able to plan and shape the direction of NICCYs participation journey, over the past 10 years. On a personal note I’ve also been privileged along with the support of the whole NICCY team and many others to making this journey a reality.

We started out with the advantage that the function and place of participation had been firmly grounded in the legislation that set the Commissioner’s office up. Also having participation underpinned, by the principles of the United Nations Convention on Rights of the Child (UNCRC) included, gave credibility and strength to the view that Participation what not an optional extra or a nice thing to do, if adults permitted it!

Across our work and plans we began to use phrases in our advice and public statements such as “Duty to participate” and “The Participation of children and young people, is essential, in the decisions that affect their lives.”

As we embarked on a fact finding exercise, one of the first things we realized, was that apart from the UN Committee’s concluding observations and feedback from key stakeholders in the Voluntary and community sectors, there was little documented information on the state of Participation in NI. We met many organizations, across all sectors and checked in with government; largely through OFMDFM. But little information was available to determine if the key building blocks were in place to support children and young people having a say.

We asked questions such as;

Who was doing what on Participation?
What structures existed – if at all?
How was government supporting this in their own work and in the work of those other organisations and finally How were C&YP being made aware of their right to participate and to be involved?

From our fact finding – I think the management phrase for this is “Scoping” - we decided to approach this is in 2 ways:

At an operational level we embarked on a range of initiatives some of which we still continue to have today. Examples of this include partnership working with our Participation forum made up of key stakeholders, brought together to share experience and help build capacity; with our Youth Panel which has been constituted in different ways over the last 10 years, to support the Commissioner and staff; and a range of awareness and capacity building programmes with C&YP themselves and with those who work directly with them.

In addition to this we realised that unless there was a commitment and action from government, participation was never going to move beyond being a well intentioned initiative. And so we began a more strategic engagement with government departments and agencies. The aim of this work has been to raise awareness of the need and benefits of participation, and to work towards embedding a ‘culture of participation’ in the decision making process right across government. This included all 12 government departments and also the Assembly Commission.

So how did we do this?

Through working with colleagues on the Participation Forum and our own direct work with government we realized that there was no one specific policy or structures in place to ensure that children and young people are involved and have a say in decisions that affect them. So there was an obvious starting point. Though concerned by this, we were also encouraged by the willingness shown by many of the officials and Ministers we met with during this time, in finding out and seeking advice on how they could go about developing such a policy or framework for their participation with C&YP.

Recognising this to be the case we undertook a series of initiatives to move this forward. The first of these was to develop something to illustrate, encourage and perhaps act as a guide, to support government departments and public bodies when developing their own
participation structures and practices.

We called this initiative the Participation Policy Statement of Intent or (PPSI) initiative. And so in 2009, we asked all Government Departments to consider and endorse our Participation Policy Statement of Intent (PPSI).

By endorsing the PPSI, Departments made a commitment that, wherever possible, in their work they, will listen to the views, concerns and opinions of children and young people. Added to this it committed to them by engaging with C&YP in meaningful and creative ways. And perhaps most importantly signing up to the PPSI ensured, the Departments commitment to develop existing policies and working practices to embed participation into their department or agency.

The majority of our twelve Departments endorsed NICCY’s PPSI.

**So to summarise the journey so far in:**

August 2009: All Government Departments plus the N.I Assembly were invited to endorse PPSI

Between Aug 2009 – Sept 2011: 11 out of 12 Departments (plus NIA) endorsed PPSI

As we know things don’t happen in isolation and we were pleased that running alongside this work by 2012, a number of other positive developments in participation were happening.

For example;

- The ASK FIRST participation standards were developed by the Participation Network.
- Establishment of Children’s Champions
- The increased recognition of the UNCRC within our court system.
- The increased acknowledgement of the Concluding Observations as made by the UN Committee on the Rights of the Child.
- The response by both government departments’ and public bodies to the
Commissioner’s Participation Awards initiative to showcase and encourage good practice and

However, although good progress was being made, we also recognised, through our daily work and feedback from children and young people, that there was a long way to go before participation was mainstreamed and common practice. In fact another NICCY report, in 2011 ‘Barriers to Effective Government Delivery for Children in Northern Ireland’, concluded that government was falling short in implementing the UNCRC, with participation referenced as one such area, as part of that wider review.

So we took stock again!

We concluded that in terms of NICCY’s duty to advise and to monitor the performance of government departments, there should be follow up with the Departments to see what has been done since they signed PPSI. We developed a Review document and forwarded this to every Government Department.

The purpose of the questionnaire was not only to explore how our Government Departments had embraced the commitment they made by endorsing the PPSI but to establish some baselines.

Key issues that the review explored included questions on staff training including C&YP in decision making; the existence of Participation Strategy or policy; methods used to assess the impact of policies on children and young people; processes in place to evaluate engagement with children and young people and identification of benefits of engaging with C&YP and if so had this engagement led to any changes in working practices or policy development.

On a positive note, all the Departments completed and returned their questionnaire which was analysed internally. Information was then feedback to Departments on the positives and on areas for improvement.

So to summarize again

Between Apr 2012 and February 2013 - Participation Review Questionnaires were sent
out and returned by all Departments. **So a 100% response was encouraging!**

This information gave us a useful snapshot of impact and reaction in relation to NICCY’s intervention but was less clear on what impact the department’s direct participation with children and young people in the development of departmental policies, strategies, legislation and services.

In a comparable process from May 2012, we realised that not all Departments were extending their PPSI work with their ALBs. As ALBs have a massive responsibility for delivering services to C&YP we began a 2nd strand of work with a direct programme of engagement with those Arms Length Bodies most directly impacting on C&YP including Health, Justice and Education and the Dept. of Environment focussing on the local councils. The objective was to encourage them to endorse the principles and practice by signing up to the PPSI.

**Summary**

By May 2012: 59 ALBs associated with Health, Justice and Education Departments, along with local councils were invited to endorse the PPSI. And from July’12 – Jan’14: 29 ALBs and Councils endorsed it.

In August this year by mirroring the process we applied to government departments, we also asked these 29 bodies to complete our participation review questionnaire. Again these will be analysed internally and feedback provided to them, by the end of the financial year.

**The painting of the Forth Bridge comes to mind here!**

At the beginning of this year 2014, we again took stock and felt that it could be beneficial to have this information and also to check if our approach to date needed to go in a different direction. To maintain objectivity we externally commissioned research aimed to probe deeper in terms of impact – and Paula will share with you her findings in a moment.
Ongoing Participative Initiatives:

Whilst the PPSI and its follow-up programmes may have provided the focus since 2009 of our strategic participation work, there have been a number of other strategic avenues we have been working on pre and post 2009. For example our Democra-School programme, which began in 2005 and still continues with the aim of embedding structures for participation in every school.

We have also been working with the NI Assembly and the Speaker since November 2007, to encourage the Assembly to engage with young people.

And even prior to this in 2005, NICCY participated throughout both the pre-consultation and consultation process on the Network for Youth initiative and developed a model of regional youth fora which could support see a structure developed from Schools through to the 'planned' Northern Ireland Youth Assembly.

We also were invited to work with the Council of Europe on an international stage to develop a Recommendation on Participation. This was circulated to all 47 governments with a recommendation to implement it in their jurisdictions.

And finally the Local Government Bill from 2013 onwards

To establish the role of children and young people in the new super Councils and in Community Planning.

Conclusion:

Before I hand over to Paula to talk about her report – a report that has been positively welcomed by Ministers – there have been elements of our participation work that I haven’t had time to mention here today. So if anyone wants more information just contact me or any of the Participation team.

Thank you
Patricia Lewsley-Mooney, Commissioner

For almost eight years I have been the Commissioner for Children and Young People, and as I approach the end of my term, I’m reflecting on the key issues that have, and indeed continue to, impact children and young people.

Whether in health, education or justice, a constant message I and my office have been emphasising is the importance of hearing, and listening to the voice of children and young people.

Earlier Marlene described participation as a journey. A journey on a road that NICCY and our colleagues in both the statutory and voluntary and community sectors have been travelling on. Sometimes we travel at different speeds. And sometimes we’ve have to negotiate some detours and blockages.

It may be a slow moving journey but it is moving. Over recent years we have seen positive progression in participation with children and young people.

In the courts, we hear from legal professionals of increased use of UNCRC in arguments. Also, we see the Judiciary citing the UNCRC in judgements and using it as a tool through which domestic law can be viewed.

For example, following my intervention in the case when pupils at Ballyclare High School had been disciplined for refusing to have their hair cut to the length approved by the school rules, in his ruling Mr Justice Weatherup referred specifically to Article 12 of the UNCRC.

We are also heartened by the engagement we have had from legal professionals on the UNCRC via our events in legal Continuous Professional Development.

There have also been increased references to the UNCRC in policies, strategies and legislation. I suppose one of the most recent examples relates to the Delivering Social Change Strategy for Children and Young People.

The Delivering Social Change (DSC) Strategy for Children and Young People has identified that involving children in their communities and decision making process works.
Embedding, the UNCRC within policy development and service delivery has also been shown to work.

I look forward to the outworking of the action point to – and I quote - ‘Develop a programme designed to challenge the negative perceptions of children and young people and to enable young people to play a full and active role in decision-making within their communities.’

If you have the time – and the inclination [smile] - to listen to the debates from the Assembly, or to review Hansard or even the Assembly’s oral or written questions – you will have noticed the increased reference to children’s rights, the UNCRC and listening to children and young people within these discussions.

But as today’s report concluded, there is a long way to go!

For example one of Delivering Social Change, Children and Young People's Early Action Plan’s stated aims is, and I quote - “to fulfil our obligations under a number of international conventions, including the UNCRC”.

The Action Plan then outlines the Programme for Government Commitments and positively references relevant UNCRC articles.

As an example, one of the commitments is to extend age discrimination legislation to the provision of goods, facilities and services. The UNCRC article referenced against this commitment is Article 3, which says that all actions concerning the children should take full account of his or her best interests.

This places an obligation on decision makers and law and policy makers to always consider whether a decision will have an impact on children’s lives, to assess what that impact will be, and to make sure children’s interests are the primary consideration.

So I ask the question, how can it happen, that in this anti-discrimination legislation, we even have to debate whether it is right or wrong to exclude children and young people under the age of 18? And, why have the voices of children and young people not been listened to.
As highlighted earlier, I and my office have pressed for children and young people’s participation on many fronts, from our Democra School programme to our PPSI initiative; to the establishment of the Northern Ireland Youth Assembly; to the outworking of the Network of Networks; to our work with the Council of Europe; to my Participation Forum and my Participation Awards.

Unfortunately for some of these programmes the final step is the hardest one to take;

- Nine years ago the then direct rule Minister Angela Smyth committed to developing a school council or pupil participation policy.
- Eight years later the Minister for Education made a commitment to establish a policy on school councils. Unfortunately less than a year later, the Minister took a step backwards and announced the development of a Departmental Circular instead of policy.
- After 10 years we are still awaiting the Network for Youth’s Network of Networks Model.
- After five years we are still awaiting the establishment of the Northern Ireland Youth Assembly.

As I said, sometimes the hardest steps are the ones near the end of the journey.

But it’s not all gloom – we are here today with positive examples of good practice from within our government departments – it can be done and it is being done.... although not in a uniform or consistent manner.

As Paula has outlined, OFMDFM has a key responsibility in moving forward many of the recommendations. Feedback on developing these has been positive from OFMDFM and I look forward to receiving more concrete information on this.

But, there is a responsibility on all departments to develop effective, consistent and efficient systems for engaging children and young people in order to fulfil their duties under the UNCRC.

It is only by establishing robust mechanisms for engaging children and young people that
our government will be able to evidence the impact of direct participation with children and young people in developing policies, strategies, legislation and services.

Today’s report illustrates that participation works best when those who are developing policy work closely with the Children’s Champions, advising on methodologies and ways to record, evaluate and measure impact. **I look forward to seeing this practice repeated throughout the departments.**

I am heartened by the positive feedback on the report from other Ministers including;

- A commitment to continue to enhance engagement with children and young people on future policies are taken forward (DEL).
- Consideration of who might be best placed from a policy perspective to lead in engaging children and young people to ensure a co-ordinated approach (DRD).
- Developing staff awareness to disseminate the message and strengthen work in the area of engaging with children and young people (DOJ).

There is a need for joined up thinking and co-ordination which previously has often been sporadic but as we know, is vital to deliver the best for our children and young people.

The UNCRC General Comment No 12 states that children and young people should be consulted in the formulation of legislation and policy and involved in the drafting, development and implementation of plans and programmes.

One of the immediate opportunities for this to happen is within the forthcoming Community Planning Guidance. Specific reference and a commitment to engage with children and young people within the guidance would be an important, progressive and memorable step forward in the realisation of hearing the voice of children and young people.

The Department Of The Environment has developed a model of good practice with the development of their policy based Children and Young People Working Group. I look forward to the continued influence of this group on the Departments engagement plans.

One of the most important sections of the report is the ‘Evidence of Impact’ section. This section shows that **it is** possible to evidence the impact of engaging with children and
young people and that this impact is real, tangible and meaningful. Again, as identified in the report, engaging with children and young people on the:-

- The Department Of The Environment’s Road Safety Strategy may reduce the loss of lives
- The Department of Health, Social Services and Public Safety’s fostering regulations may lead to more appropriate and more stable placements, leading to improved outcomes for vulnerable children and young people.
- The Department of Justice’s Autism guide for criminal justice professionals should ensure children and young people with autism who come into contact with the justice system should find those services more aware of and responsive to their needs.

These very different examples highlight three very dramatic and important impacts when children and young people’s voices are heard and more importantly…..listened to.

These examples also reflect good practice as we have ourselves identified through our Participation Awards programme which has highlighted and commended as good practice over 30 government and public bodies participative initiatives.

**Following this event, my staff will be disseminating details of the 2014/15 Participation Awards programme so I welcome all applications.**

**Conclusion**

I hope that you have found the research as interesting and informative as we have. I already know that it will prove a useful tool for further constructive developments. I am pleased to hear the positive feedback from Ministers and I look forward to further engagement, especially with OFMDFM who have a key responsibility to move this process forward.

Therefore I call on our government departments - with OFMDFM’s lead - to take on board the recommendations within the report; to work together to develop effective systems for engaging children and young people and establish strong mechanisms for recording, analysing and evaluating this engagement.
I think we have a tremendous opportunity now to mainstream the participation of children and young people in our decision making process and to fulfil our obligations under both the UNCRC and the commitment we have made in our local strategies and policies. We can look forward to building our services for children and young people on actual needs rather than presumed needs.