

Response to consultation on Delivering Social Change for Children and Young People

The Commissioner is pleased to provide advice to the Executive, through OFMDFM, on its consultation in relation to its 'Delivering Social Change for Children and Young People'.

1. The integration of a range of key Government policy developments under six high level outcomes for children is welcome.

Over the eight years since the Children's Strategy was published, the Commissioner has noted a number of Executive policy developments relating to children that do not appear to have been particularly well 'joined up', or indeed integrated under the six high level outcomes. These have included:

- The NI priorities developed in response to the 2008 Concluding Observations;
- The four UK-wide priorities developed in response to the same 2008 COs;
- The Child Poverty Strategy;
- The Play and Leisure Strategy;
- Delivering Social Change 'early actions' document;
- The Child Poverty outcomes document; and
- Children's rights indicators.

With the introduction of Delivering Social Change, it was unclear how this new programme related to the other key Executive policies and strategies for children. So the Commissioner is supportive of the decision to integrate the children's strategy, along with the child poverty strategy and actions relating to UNCRC.

It is important that there is an overall coordinating strategy with outcomes and indicators. This was the intention articulated for the Children's Strategy: to provide a framework for delivery for children. Other strategies and action plans were to sit within this framework.

The Executive's delivery for children in Northern Ireland must be planned and delivered through an overarching children's strategy, owned by the Executive as a whole, with high level objectives, or outcomes. This is critical to ensure that strategies and action plans in relation to more specific areas of work can promote integrated planning, commissioning and delivery of services.

2. The Executive's strategy for children must be 'rooted' in the UN Convention on the Rights of the Child, and demonstrate that it includes actions in response to the most recent Concluding Observations.

The Commissioner would draw attention to the guidance provided in the UN Committee on the Rights of the Child in its General Comment 5: 'General measures of implementation of the Convention on the Rights of the Child'. Paragraphs 28 to 36 focus on 'developing a comprehensive national strategy rooted in the Convention', stating that 'If Government as a whole and at all levels is to promote and respect the rights of the child, it needs to work on the basis of a unifying, comprehensive and rights-based national strategy, rooted in the convention.' It also 'expects States parties to take account of the recommendations in its concluding observations on their periodic reports when developing and/or reviewing their national strategies.'

Certainly, the consultation document makes mention of the UNCRC, mostly where articles are listed against the Programme for Government commitments in Appendix 1, and in Appendix 2, where the 4 UNCRC General Principles are included in a table mapping various aims and commitments against the six proposed outcomes of the children's strategy. However, the Commissioner is strongly of the opinion that this does not indicate that the strategy has been 'rooted' in the convention, or that Concluding Observations have been taken into account.

This failure to base the strategy quite firmly in the UNCRC has been an ongoing concern for the Commissioner along with other stakeholders. The 2006 Children's Strategy, despite the original commitment that it should be the 'implementation plan' for the UNCRC, and the considerable work done to embed the draft strategy in the UNCRC, when published fell short of the commitments made. It almost exactly replicated the English 'Every Child Matters' outcomes, with an additional 'Children's rights' outcome.

The delivery under this sixth outcome to date has been very disappointing. Indeed, no indicators were originally developed to measure progress of this objective. Instead it was stated that, if government delivered on the five other objectives, the sixth would be also progressed. It is a positive step forward to see that this objective would focus on child rights implementation measures – the processes by which government delivers for children, rather than the specific services.

The Commissioner had hoped that, as the ‘Ten Year’ strategy came to a close, that this would provide an opportunity for the development of a new children’s strategy, rooted in the Convention, and taking account of forthcoming Concluding Observations. It is disappointing to see that this is not the current plan, and that the proposed strategy is merely a slight rewriting of the six high level outcomes.

Over the past ten years, the Commissioner has provided advice to government, not just in relation to *what* should be done to realise children’s rights, but on *how* it should be done. Article 4 of the UNCRC says:

‘States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention.’

In 2011 the Commissioner commissioned Dr Byrne and Professor Lundy of QUB to conduct research reviewing the effectiveness of implementing children’s rights. The subsequent report found that, while there were examples of good practice, there were also a number of common failings in delivery for children including: problems in coordination and joined up working between departments; significant time delays in delivering commitments for children; a lack of training and awareness on children’s rights; insufficient information; and limited meaningful participation of children and young people.

Having observed developments in Wales and Scotland, where the devolved governments have prioritised children’s rights by putting commitments in legislation to implement children’s rights, the Commissioner is convinced of the need for a renewed focus on child rights implementation in Northern Ireland. This should include incorporation of the UNCRC, as well as other implementation measures such as Child Rights Impact Assessments, measures to ensure effective coordination of children’s services, tracking of expenditure on children, and annual reports on changes in outcomes for children. Such actions should lead to significant changes in children’s lives.

Any new strategy for children must be clearly rooted in children’s rights, in effect acting as the Executives UNCRC ‘implementation plan’. There also needs to be a clear focus on implementation measures.

3. There are significant failings in the process of engagement in developing the proposed new strategy.

‘(A comprehensive national strategy) will need to be developed through a process of consultation, including with children and young people and those living and working with them. (...) Meaningful consultation with children requires special child-sensitive materials and processes; it is not simply about extending to children access to adult processes.’ (GC5, para 29).

The Commissioner understands that there has been a process of consulting children and young people on the draft strategy, and looks forwards to seeing how their opinions are taken account of in finalising the strategy. However, while consulting on a draft strategy is important, children and young people should have been engaged in the process of drafting the strategy. It is also important that they are involved in the process of developing actions to deliver on the strategic outcomes and in their implementation and evaluation.

As the statutory body set up by government to provide advice and challenge to government on its delivery on children and young people’s rights and best interests, the Commissioner was disappointed that OFMDFM did not seek her advice on the draft strategy before it was published. The Commissioner would prefer to support the development of such critical government strategies further ‘upstream’ rather than later in the process, during public consultation exercises such as this, where there is less potential for her advice being taken into account. She seeks assurances that her advice on this strategy will be given full consideration as is appropriate given her statutory functions.

The engagement with the wider civil society has also been problematic, not least because of the limited duration of the consultation – even after the extension was agreed to the consultation period. The Commissioner notes the large number of consultation events organised by OFMDFM on the strategy and was pleased to be invited to speak at the final event. She looks forward to seeing the summary of comments made by stakeholders at the events. However, this cannot substitute for meaningful, proactive, ongoing engagement with civil society, particularly the children’s sector organisations, as well as the Children and Young People’s Strategic Partnership (CYPSP) and NICCY.

The Commissioner has raised with OFMDFM and Ministers her concerns at the lack of mechanisms for ongoing and regular engagement with her and with children’s organisation

for several years, and is disappointed that this has not yet been addressed. One-off events are not sufficient to ensure proper engagement.

Finally, the Commissioner has raised a number of times with OFMDFM her concern that there has not been a Northern Ireland representative appointed to the Social Mobility and Child Poverty Commission, as intended in the Child Poverty Act 2010. This Commission is set up to advise the UK and devolved governments on meeting their responsibilities under the Child Poverty Act 2010 to develop and implement Child Poverty Strategies. Under Section 13 of the Child Poverty Act there is a legal requirement for the devolved administration to request the advice of the Social Mobility and Child Poverty Commission, and a responsibility on the Commission to respond. NICCY is not aware of this engagement having occurred. The Commissioner has raised with OFMDFM, on a number of occasions, her concern that the Executive has not appointed a Northern Ireland representative to the Social Mobility and Child Poverty Commission. This would both help inform the advice provided by the SM&CP Commission to the Executive, as well as ensuring that the UK government is advised on the Northern Ireland context in developing its strategies.

The Executive should establish meaningful and ongoing mechanisms to engage children and young people, their parents, children's organisations, professionals such as CYPSP and NICCY in planning, implementing and evaluating government delivery for children. In particular, as the Commissioner has previously suggested, OFMDFM should establish a Stakeholder Forum of children's sector organisations, academics and NICCY. It is also critical that the Executive appoints a member to the Social Mobility and Child Poverty Commission and complies with the legislative requirements to consult the Commission on its draft Child Poverty Strategy.

4. Before a new strategy is drafted for children, it is vital that the delivery of the 10 year strategy is reviewed.

When, eight years ago, the Ten Year Strategy for Children and Young People was published, it was intended as an overarching strategy, its six high level outcomes providing a structure under which other strategies and policy developments would be integrated. It also outlined a number of pledges, including

- ‘We will work to ensure a coordinated, partnership approach to policy development across government and the coherent delivery of services for all children and young people to produce improved outcomes.
- We will promote a move to preventative and early intervention practice without taking attention away from our children and young people currently most in need of more targeted services.
- In accordance with the UN Convention on the Rights of the Child, we will be proactive in obtaining the views of children on matters of significance to them.
- We are committed to respecting and progressing the rights of children and young people in Northern Ireland and will be guided and informed by the UN Convention on the Rights of the Child. The strategy will be the key mechanism by which we will chart progress on this commitment’.

This strategy has been articulated by subsequent NI Executives as their main delivery mechanism for children and young people, and considerable resources have been associated with the delivery of the high level outcomes. Moreover, many of the problems identified in the 10 year Children’s Strategy remain, and the ‘pledges’ remain major issues in terms of government delivery for children.

It is important that a new strategy does not merely repeat the well intentioned commitments of previous strategies, but that a proper evaluation is conducted to enable government, children and young people, parents and civil society more generally to understand where the previous strategy was successful and where it wasn’t. This must include an assessment of how successfully the pledges were met, and whether the numerous actions listed actually delivered the improved outcomes for children as planned.

The information contained in Appendix 4 will be useful in this evaluation, but is not sufficient in itself to inform effective and meaningful programming and delivery. There is a need for a focus on the achievement of outcomes for children, rather than merely listing actions. For example, under Outcome 2: ‘Economic and Environmental Well-Being’ the consultation document lists five ‘achievements’ which all indicate either no change, or that things have got worse.

We note that the proposed strategy contains a section outlining the processes for monitoring and reporting on it, including figure 5.1. NICCY suggests that this process should be adopted to review the impact to date of the Children’s Strategy, and

subsequently the Delivering Social Change ‘early actions’.

The delivery of the current Ten Year Strategy for Children and Young People should be independently reviewed in its final years, before a new Children’s Strategy is developed. The Commissioner will be happy to support this independent review process.

5. The Commissioner does not consider that the proposed vision or outcomes are an improvement on those contained in the current 10 year Children’s Strategy.

The vision of the current Children’s Strategy is that ‘*all children and young people living in Northern Ireland will thrive and look forward with confidence to the future.*’ This is simple, understandable and inclusive. In contrast, the proposed vision, that ‘*all children have the support and nurturing required to allow them to have a healthy, safe and active childhood and have access to good quality education, which will provide them with the skills to gain employment and fulfil their potential as active, engaged citizens*’ is overly complex and has an undue focus on ‘well-becoming’ rather than ‘well-being’.

Similarly, the previous outcomes were reasonably simple and comprehensive, and it is not clear why it has been considered essential to rework these. As previously suggested, unless there is a strong reason to change the outcomes the Commissioner believes it makes practical sense to retain the current outcomes until the end of the 2006-2016 Strategy. This is important to maintain the coherence with the work of the Childrens Services Planners, and the Children and Young Peoples Strategic Partnership (CYPSP) who have aligned their work to support delivery against the Children’s Strategy outcomes.

The Commissioner is particularly concerned at Outcome 2, the education outcome, which has been narrowed to focus only on children in poverty. By narrowing this outcome in this way, this means that education for the remaining majority of children is not addressed by the strategy.

The UN Committee on the Rights of the Child has stated in General Comment 5, in relation to national strategies for children, that ‘If such a strategy is to be effective, it needs to relate to the situation of all children, and to all the rights in the Convention.’ It is not appropriate, therefore, that any of the outcomes would be limited to only certain groups of children.

Later, in the same general comment, the Committee also stated that ‘Particular attention will need to be given to identifying and giving priority to marginalised and disadvantaged groups of children.’ While the outcomes should include all children and young people, data should be gathered and analysed to identify the groups of children and young people who are particularly disadvantaged, who are faring significantly worse than other children in relation to specific outcomes. The actions and targets developed under the outcomes should then focus on addressing the barriers to these groups of children enjoying their rights on an equal basis to other children. In addition, there may also need to be some universal targets for children in general.

Taking the education outcome as an example, NICCY proposes that the original outcome should continue to be used: that children will be ‘Enjoying, learning and achieving’. Indicators under this outcome should be developed that will allow groups of children who are disadvantaged in this respect to be identified. In this case these groups may include children experiencing poverty, traveller children, children with disabilities, ‘looked after’ children and young people, and ‘newcomer’ children. Targets and actions should then be developed for each group of children.

The Executive should maintain the six high level outcomes from the current Children’s Strategy for the last two years of its lifetime. Child rights indicators should be developed for each outcome, and data gathered, appropriately disaggregated to allow the identification of particularly disadvantaged groups of children. Targets and actions should then be developed to address the particular disadvantaged experienced by these groups of children.

6. Preparations need to be put in place to develop a new, long term children’s strategy needs on completion of the current 10 year children’s strategy in 2016.

The long term nature of the Children’s Strategy is important to ensure consistent, effective delivery for children and young people. A series of short term strategies can lead to short term thinking, attempts to deliver ‘quick wins’ rather than ensuring early intervention, and a consistent approach.

The Commissioner had understood that OFMDFM was beginning to put in place plans to

develop another long term strategy at the completion of the current one in 2016. Given the statutory role of NICCY, the Commissioner expected to be consulted in planning the process for developing a new 10 year strategy, to ensure proper engagement with Children and Young People, as well as wider civic society. It was a surprise and disappointment to understand that OFMDFM appeared to have changed its approach and that it proposes to develop short term strategies, to be reviewed every three years.

The Executive should commit to completing the 10 year Children's Strategy and to developing a new long term children's strategy. A process should be started as soon as possible to engage children and young people, civil society and the Commissioner in the development of this new children's strategy.

While the current strategy is due to be completed in 2016, the Executive may wish to consider delaying finalising the new children's strategy until the UN Committee on the Rights of the Child has completed its examination of the UK state report and provided Concluding Observations (we understand this is likely to be in 2016), so that it can be informed by this advice.

7. The Children's Strategy must focus on delivering on the outcomes and bringing about measurable change for children

The consultation document does not provide significant evidence of delivery against the outcomes and priorities set in the current 10 Year Children's Strategy and the Child Poverty Strategy 2011-14. In relation to the Child Poverty priorities, lists of priority action areas and actions taken forward under 'Progress' were included, without any indication of whether they delivered effectively on the child poverty targets. Elsewhere in the document, tables chart changes in the child poverty figures, in each case demonstrating that child poverty has risen over the lifetime of the previous Child Poverty Strategy. Despite this striking finding, there is no analysis of the factors that led to the failures to meet the targets, or information on how the approaches would be changed in this new strategy to ensure it will make progress towards the statutory targets set out in the Child Poverty Act 2010.

In relation to the Children's Strategy outcomes, a number of 'achievements' are listed for each outcome, however, it is not clear that each of these is indeed an achievement, eg

more young people waiting longer for CAMHS outpatient appointments, higher levels of child poverty, the consultation on 'Network for Youth' proposals more than five years ago. A failing that has been identified over the lifetime of the Children's Strategy is that there did not appear to be a mechanism for developing a set of actions to deliver on the outcomes. The first two action plans were seen to be merely administrative exercises, where departments listed the work they already had ongoing under the outcomes, and no new actions were developed.

The more recent Delivering Social Change programme sought to focus more on the development of actions to deliver outcomes for children. However, in this case actions were developed without clear outcomes articulated, and without a clear strategic basis. In general these have been funded on a short term basis, and were listed in Figure 3.3 by Departments, rather than clear outcomes, so failing to demonstrate the 'joined up working' that they were intended to deliver.

The UN Committee on the Rights of the Child's General Comment 5 makes it clear that a national strategy for children must bring about real change for children: 'The strategy must not be simply a list of good intentions; it must include a description of a sustainable process for realising the rights of children throughout the State; it must go beyond statements of policy and principle, to set real and achievable targets in relation to the full range of economic, social and cultural and civil and political rights for all children.' (para 32)

The Commissioner considers that it is a positive step forward that the proposed strategy includes a methodology for developing targeted actions to deliver on the planned outcomes. The 'turning the curve' approach should be trialled over the next 2-3 years to determine if this is an effective mechanism for developing actions under the high level outcomes and, if successful should be included in the next 10 year Children's Strategy.

Targets should be set for each of the outcomes in the Children's Strategy, and a clear process is developed and piloted over the final two years of the strategy, in order to inform the implementation process for the next long term Children's Strategy.

8. The proposed strategy does not adequately address the requirements of the Child Poverty Act 2010

The Child Poverty Act 2010 requires that a Northern Ireland strategy is laid before the Assembly within three years of the first strategy, and that it should describe the measures taken by the NI departments under the previous strategy, and the effects of those measures in relation to meeting the four child poverty targets, and ensuring that children in NI don't experience socio-economic disadvantage.

The prescribed date by which the strategy should be laid before the Assembly has already passed. The Commissioner is concerned that the process of drafting the proposed strategy and getting Executive sign off did not allow sufficient time for a meaningful consultation process within the timeframe set out by the Child Poverty Act 2010.

While Appendix 3 outlines the progress against the four priorities of the child poverty strategy 2011-14, rather than focussing on outcomes it lists outputs in terms of money allocated or spent, and numbers of people engaged. For example, while for the Priority Action Area 'Provide children and young people with the opportunities to reach their educational attainment regardless of background (*sic*)' a number of actions are listed, but no measure of the change in attainment for children in poverty is included.

Although the actions taken by the Executive are listed against the priorities in the 2011-14 Child Poverty Strategy, the manner in which they have worked towards the four child poverty targets is not detailed. Moreover, there is no explanation for the rise in the child poverty rates, nor is there mention of the 'Welfare Reforms' that have been implemented and have contributed to the increase in child poverty rates.

The strategy must provide an assessment of how the actions taken forward in relation to the strategy have impacted on the child poverty targets.

The Act also specifies that the new strategy should set out the measures that the Northern Ireland departments propose to take to contribute to the meeting of the four child poverty targets, and for the purpose of ensuring as far as possible that children in Northern Ireland do not experience socio-economic disadvantage. It must also describe the progress the departments intend to make over the three year period, as well as by 2020, in relation to the four targets and ensuring that children in Northern Ireland do not experience socio-

economic disadvantage.

The four targets prescribed in the Act are:

1. The relative low income target - that by April 2020 less than 10% of children live in households with incomes falling below 60% of the median equivalised net household income;
2. The combined low income and material deprivation target - that by April 2020 less than 5% of children live in households with incomes falling below 70% of the median equivalised net household income and is experiencing material deprivation;
3. The absolute low income target - that by April 2020 less than 5% of children live in households with incomes falling below a poverty line adjusted year on year to reflect inflation; and
4. The persistent poverty target - that by April 2020 less than a specified percentage of children will have lived in relative poverty for at least 3 out of the previous 4 years.¹

Disappointingly, the proposed strategy does not describe the progress the Executive intends to make over the three years in relation to the four targets listed above – the scorecard associated with Outcome 1 relates solely to the combined low income and material deprivation indicator. No specific targets are set for the three year period. Given that there will only be one further child poverty strategy before the target year of 2020, to reach the specified levels of child poverty, significant progress will be required over the lifetime of this strategy.

If the absolute low income target of 5% is to be met, the proportion of children experiencing this will need to decrease from 25% to 15% by 2017, a reduction of 43,600 children. However, the IFS analysis commissioned by OFMDFM and published in January 2014, projects that absolute child poverty rates will increase to 32% by 2017 and 38% by 2020.

Similarly, if the statutory target of 10% of children living in relative low poverty by 2020 is to be met, it is reasonable to expect that this poverty rate would fall from 22% to 16% by 2017. However the IFS analysis predicts that, instead the relative poverty rate will rise to 27% by 2017 and 31% by 2020.

¹ The target percentage is to be specified in legislation by 2015

The strategy must make reference to the statistical predictions in relation to the child poverty targets, and set targets it aims to achieve by 2017 to make good progress towards the four specified child poverty targets for 2020.

The Executive is required by the Child Poverty Act 2010 to list the measures it will take to meet the four targets. However, in the proposed strategy a total of nine actions are listed to deliver against the combined low income and material deprivation measure under Outcome 1, and a further six are listed in relation to Outcome 2, focussing on the educational outcomes of children in poverty. On reviewing these actions, it is not clear how it is intended that these will reverse the predicted increase in child poverty rates.

The strategy must provide detailed information on the actions the Executive intends to take forward to work towards the four statutory targets set for 2020.

The Act also specifies that the devolved administration must seek the advice of the Social Mobility and Child Poverty Commission and have regard to the advice provided. It also lists other individuals and bodies that must be consulted in preparing the strategy:

- The Secretary of State;
- Children and organisations working with or representing children;
- Parents and organisations working with or representing parents; and
- Other persons as the administration determines.

The Executive should provide information on how it has sought advice from each of the individuals/groups/bodies specified in the Act.

9. The commitment to report on the Strategy on an annual basis is positive and should review progress against all outcomes contained within it.

Annual reporting against a set of child rights indicators, designed to monitor delivery against the six high level outcomes will be very positive in enabling government and stakeholders to consider what appears to be working, what may not be working, and where there are problems emerging that will need to be addressed. It is important that this not focus solely on the statutory requirements to report on the child poverty aspects of the strategy, but that delivery against all the outcomes is analysed.

The annual report on the strategy should include actions and statistics, as well as a commentary on what is working well, what appears not to be working, and where there are new problems emerging that need to be addressed. This analysis could be developed in consultation with the proposed Stakeholder Forum.

Conclusion

In summary, the Commissioner is of the opinion that the Executive should not produce a new Children's Strategy at this point, but that it should maintain the six high level outcomes for the remaining two years of the current strategy. This should remain the overarching framework within which the Child Poverty Strategy 2014-17 sits, along with other important strategies affecting children, such as the Childcare Strategy, the Disability Strategy, and the Youth Justice Review.

It will be important to put in place a meaningful engagement process to review the delivery of the current strategy before developing a new ten year children's strategy, which should be 'rooted' in the UNCRC. The developing Child Rights Indicators and children's budgeting work should inform the development and delivery of the Strategy. The Strategy must take a universal approach, addressing outcomes all children, but using the indicators to identify particularly disadvantaged groups of children and young people, for example those living in poverty, children with disabilities, minority ethnic children and children in care. The Executive should pilot outcomes-based planning processes, such as the 'turning the curve' methodology in the last two years of the strategy, to inform the implementation processes for the next long term strategy.

The Child Poverty Strategy 2014-17 must comply in full with the requirements of the Child Poverty Act 2010, including setting specific targets for each of the four statutory child poverty measures, to be achieved by 2017. Given the unprecedented rise in child poverty predicted by 2020, a reduction in child poverty by 2017 will only be achieved if the Executive makes this a priority, and takes considerable, concerted action.

The Commissioner is committed to working constructively with the Executive in providing advice on its delivery on children's rights and best interests and hopes that the advice contained in this paper proves useful in planning the way forward.