

04 May 2018

Dear Mayor

The office of NI Commissioner for Children and Young People (NICCY) was established by legislation in 2003 to 'safeguard and promote the rights and best interests of children and young people in Northern Ireland'. I was appointed in March 2015 by the then First and Deputy First Ministers, Peter Robinson and Martin McGuinness.

The legislation specifically requires me as Commissioner to ensure that children and young people have their voices heard and their rights and best interests taken into consideration when decisions are made which will affect them. I can also issue advice and guidance to government and statutory authorities when deemed necessary.

I am also required to take into account the role that parents play in the lives of their children. It is with this in mind that I am writing regarding developments in England and Wales concerning the Children's Funeral Fund.

Under the scheme, parents will no longer have to meet the full council costs of burials or cremations of their children and these will be met instead by government funding. In the absence of an Executive in NI I am asking your council to consider providing such a fund for the bereaved families in your council area. The cost of funding children's burial or cremation in your area is in the low thousands.

Such an initiative will ensure that no bereaved parent in your community will have to worry about how they will pay for their child's burial or have to resort to take out loans. Whilst a parent in receipt of universal credit and other benefits may seek assistance, the completion of a 26-page application form for Funeral Payment from the Social Fund is often too difficult for them during this awful time.

When in discussions with some council representatives it has been asserted to me that Northern Ireland's Equality Legislation (ie Section 75 of the Northern Ireland Act 1998) prevents public authorities taking action which would positively impact many of the groups protected under Section 75 over another. This is not the case. Section 75 requires more than the avoidance of adverse impact and that a proactive approach be taken to ensure the promotion of equality of opportunity. In many cases, Section 75 will require positive action is taken by designated public authorities to ensure equality of opportunity, eg. In the case of children who do not have access to an income. This can be demonstrated by already existing council initiatives including reduced entry fees to facilities such as leisure centres for children.

Indeed the Equality Commission's Guidance for Public Authorities on Implementing Section 75 of the Northern Ireland Act 1998 states that:

*"The promotion of equality of opportunity entails more than the elimination of discrimination. It **requires** proactive measures to be taken to facilitate the promotion of*

*equality of opportunity between the categories identified in Section 75 (1). The equality duty should not deter a public authority from taking action to address disadvantage among particular sections of society – indeed such action may be an appropriate response to addressing inequalities.”<sup>1</sup> (our emphasis).*

I really hope that your council is able to provide this support to parents during the most difficult time of their lives and in a small way alleviate some of the stress.

Should you require further assistance please do not hesitate to contact me.

Yours sincerely

Koulla Yiasouma  
Commissioner for Children and Young People

cc: Chief Executive, Causeway Coast & Glens Borough Council

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<sup>1</sup> Pg 24, Section 75 of the Northern Ireland Act 1998, A Guide for Public Authorities, Northern Ireland Equality Commission, 2010.