Advice on the Programme for Government Draft Outcomes Framework

March 21

The Commissioner for Children and Young People (NICCY) was created in accordance with ‘The Commissioner for Children and Young People (Northern Ireland) Order’ (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on matters concerning the rights or best interests of children and young persons. The Commissioner’s remit includes children and young people up to 18 years, or 21 years, if the young person has a disability or experience of being in the care of social services. In carrying out her functions, the Commissioner’s paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising her functions, the Commissioner is required to have regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

The Commissioner welcomes the consultation on the PFG Draft Outcomes Framework and the Executive’s commitment to focussing on the things that matter most to people in designing, shaping and delivering public services to achieve the best possible wellbeing outcomes for the people of Northern Ireland.

This is a critical point for our society, and a time for the Executive to demonstrate that it can lead Northern Ireland beyond the divisions of the past, the stasis of the three years without government, and the crisis of the Covid-19 pandemic to deliver a society where rights and equality are prioritised. In the words of the Belfast Agreement, we need our political leaders to ‘firmly dedicate ourselves to the achievement of reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all.’[[1]](#footnote-1)

NICCY is pleased to note that the Executive has recognised that the Covid-19 pandemic has provided ‘a different perspective on the way we live our lives’, and the need to challenge old assumptions and work collaboratively across government boundaries and across sectors to deliver more effectively for society’.

Over the last 12 months, children and young people have been particularly severely affected by the Covid pandemic response. While they were the group least likely to fall ill from Covid, they have been greatly constrained, lost access to many critical services and faced a great deal of stress and anxiety. They have overwhelmingly complied with the measures required to protect the adult population, but have suffered greatly in the process. It is now time for the rights and wellbeing of children and young people to be placed centre stage, as we seek to ‘Build Back Fairer’ from this Covid pandemic. This means prioritising services to children and young people who have been badly affected, for example the many whose mental and physical health has suffered. The pandemic has brought into focus the deep inequalities in society faced by groups of children who are vulnerable due to disabilities, health conditions, discrimination or family circumstances. The Executive must focus on the children who have not had the same chances in life as other children, and demonstrate a commitment to providing them and their families with the services they require to flourish.

It is therefore very positive indeed that the first outcome listed in the Programme for Government Draft Outcomes Framework is ‘Our children and young people have the best start in life’. It is entirely appropriate that, while all outcomes apply to children, there is one that focusses entirely on children, indicating a commitment to prioritising their rights and well being. Quite rightly the document outlines the importance of ensuring children are able to enjoy their childhood, as well as preparing them for their lives in the future, as adults able to contribute to a health, prospering society.

While it is helpful to indicate a range of strategies that will support the delivery of this outcome, it is the Executive’s Children and Young People’s Strategy (CYPS) that should be the overarching delivery mechanism for this outcome. The other Strategies listed should sit under the CYPS, delivering on the eight wellbeing outcomes contained within it, in accordance with the Children’s Services Cooperation Act 2015 (CSCA). These are as follows:

1. physical and mental health; (linking to PfG Obj 4)
2. the enjoyment of play and leisure;
3. learning and achievement; (linking to PfG Obj 5)
4. living in safety and with stability; (linking to PfG Obj 7)
5. economic and environmental well-being; (linking to PfG Objs 2 & 8)
6. the making by them of a positive contribution to society;
7. living in a society which respects their rights;
8. living in a society in which equality of opportunity and good relations are promoted between persons who share a relevant characteristic and persons who do not share that characteristic. (linking to PFG Obj 3)

As indicated above, a number of these correspond to a greater or lesser degree with one or more Programme for Government outcome. It will be important to ensure that each PFG outcome reflects the particular needs of children, and how these link to the delivery of the Children and Young People’s Strategy. For example, under the outcome: ‘We all enjoy long, healthy active lives’ there should be a specific focus on health services for children and young people, including mental health services and commitments to reduce the waiting times for paediatric services.

It is to be noted that a number of the Children’s Strategy wellbeing outcomes do not have corresponding PfG outcomes, in particular:

2. the enjoyment of play and leisure;

1. the making by them of a positive contribution to society; and
2. living in a society which respects their rights.

It is important that there is a particular focus on these under the first PfG outcome, which is not the case in the draft document. NICCY can advise on what should be contained under each of these, and the Delivery Plan for the CYPS should also inform this.

NICCY supports the Outcomes based approach adopted by the PFG, but also would advise on the necessity of also having a focus on Process based actions. Article 4 of the UNCRC states:

*States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.[[2]](#footnote-2)*

This emphasises the importance of putting appropriate implementation measures in place to truly prioritise children and young people in the PfG, and ensure effective delivery. Indeed, concrete steps are required to embed a child rights approach within the heart of government, and in the delivery of each department and statutory agency. While the devolved governments in Scotland and Wales have taken practical steps to demonstrate their commitment to children’s rights, including the Scottish Government recently incorporating the UN Convention on the Rights of the Child into domestic legislation, the Northern Ireland Executive have not yet taken equivalent actions to demonstrate their commitment to children’s rights.

To fully deliver on the first PfG outcome, and to demonstrate the appropriate commitment to children’s rights in transitioning from the Covid pandemic, it is critical that the following actions be taken:

1. Incorporation of the UN Convention on the Rights of the Child into domestic legislation through its inclusion in a Bill of Rights for Northern Ireland.[[3]](#footnote-3)
2. Requiring Child Rights Impact Assessments to be undertaken early in the development of policies, legislation, budgets or administrative decisions directly or indirectly affecting children and young people.[[4]](#footnote-4)
3. The development of a Delivery Plan for the Children and Young People’s Strategy, ensuring the collaboration of all government departments and agencies, and indeed all children’s authorities to deliver improvements in children’s wellbeing as outlined in the PfG and the eight CSCA wellbeing outcomes, with regard to all relevant provisions of the UNCRC.
4. A multi-year children’s budget,[[5]](#footnote-5) outlining the financial allocation to delivering on children’s rights and well being.
5. A comprehensive data set measuring children’s wellbeing outcomes, associated with the delivery of the Children and Young People’s Strategy (and therefore the PfG), collected on an annual basis and able to be disaggregated by a range of relevant characteristics, for example, those listed in Section 75(1) of the Northern Ireland Act 1998.
6. The establishment of mechanisms to ensure the meaningful participation of children and young people in decision making by government, the Assembly, and in the delivery of services. This should be coordinated across government through the CYPS Participation mechanism and at the Assembly through the Youth Assembly.

All these measures of implementation should focus on collaboration between all bodies – government departments, statutory agencies and CVS agencies – to deliver more effectively on children’s rights and wellbeing.

We note that there is no longer a specific outcome associated with tackling poverty and disadvantage – this is included within ‘We have a caring society that supports people throughout their lives.’ Given the impact of the Covid Pandemic in exacerbating socio-economic inequalities, NICCY strongly recommends the inclusion of a specific outcome relating to economic wellbeing.

Conclusion

The Commissioner warmly welcomes the inclusion of the first Outcome in this PfG Draft Outcomes Framework and has made a number of recommendations as to how this should be implemented, which are summarised below.

**The rights and wellbeing of children and young people must be placed centre stage as we seek to ‘Build Back Fairer’ from this Covid pandemic. This means prioritising services to children and young people who have been badly affected, for example the many whose mental and physical health has suffered. The Executive must also focus on the children who have not had the same chances in life as others, and demonstrate a commitment to providing them and their families with the services they require to flourish.**

**It is appropriate therefore that that the first outcome listed in the Programme for Government Draft Outcomes Framework is ‘Our children and young people have the best start in life’. While it is helpful to indicate a range of strategies that will support the delivery of this outcome, it is the Executive’s Children and Young People’s Strategy (CYPS) that should be the overarching delivery mechanism for this outcome. The other Strategies listed should sit under the CYPS, delivering on the eight wellbeing outcomes contained within it, in accordance with the Children’s Services Cooperation Act 2015 (CSCA). The PfG Draft Outcomes Framework reflects most of the eight CSCA wellbeing outcomes, with the exception of Play and Leisure, Participation and Respecting Children’s Rights. It should be revised, therefore, to contain actions relating to these three areas.**

**In addition, each of the other PFG outcomes should reflect the particular needs of children, and how these link to the delivery of the Children and Young People’s Strategy. A tenth outcome focussing on tackling poverty and disadvantage should be included.**

**While NICCY supports the Outcomes based approach adopted by the PFG, it is also necessary to have a focus on Process based actions to fulfil Article 4 of the UNCRC. To fully deliver on the first PfG outcome, and to demonstrate the appropriate commitment to children’s rights in transitioning from the Covid pandemic, it is critical that the following actions be taken:**

1. **Incorporation of the UN Convention on the Rights of the Child into domestic legislation through its inclusion in a Bill of Rights for Northern Ireland.**
2. **Requiring Child Rights Impact Assessments to be undertaken early in the development of policies, legislation, budgets or administrative decisions directly or indirectly affecting children and young people.**
3. **The development of a Delivery Plan for the Children and Young People’s Strategy, ensuring the collaboration of all government departments and agencies, and indeed all children’s authorities to deliver improvements in children’s wellbeing as outlined in the PfG and the eight CSCA wellbeing outcomes, with regard to all relevant provisions of the UNCRC**
4. **A multi-year children’s budget, outlining the financial allocation to delivering on children’s rights and wellbeing.**
5. **A comprehensive data set measuring children’s wellbeing outcomes, associated with the delivery of the Children and Young People’s Strategy (and therefore the PfG), collected on an annual basis and able to be disaggregated by a range of relevant characteristics, for example, those listed in Section 75(1) of the Northern Ireland Act 1998.**
6. **The establishment of mechanisms to ensure the meaningful participation of children and young people in decision making by government, the Assembly, and in the delivery of services. This should be coordinated across government through CYPS Participation mechanism and at the Assembly through the Youth Assembly.**

**All these measures of implementation should focus on collaboration between all bodies – government departments, statutory agencies and CVS agencies – to deliver more effectively on children’s rights and wellbeing.**

NICCY is currently engaging with children and young people to produce a report with specific recommendations to the Executive on actions it should take to ‘Build Back Fairer’ for children and young people’ as we seek to move forward. This will be published in June 2021 and we hope that this informs the CYPS Delivery Plan and therefore the delivery of the PfG. We trust that this advice is helpful and are happy to provide further advice as required to support the delivery of the PfG in relation to children’s rights and wellbeing.

1. [The Belfast Agreement 1998.](https://www.gov.uk/government/publications/the-belfast-agreement) [↑](#footnote-ref-1)
2. See the [UN Committee on the Rights of the Child’s General Comment 2](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC%2fGC%2f2003%2f5&Lang=en) for further guidance on children’s rights General Measures of Implementation. CRC/GC/2003/5 27 November 2003. [↑](#footnote-ref-2)
3. See [NICCY’s written evidence to the Ad Hoc Committee on a Northern Ireland Bill of Rights](https://www.niccy.org/media/3631/niccy-committee-briefing-bor-june-2020.pdf), June 2020. [↑](#footnote-ref-3)
4. See [ENOC’s position statement on CRIAs](http://enoc.eu/wp-content/uploads/2020/11/ENOC-2020-Position-Statement-on-CRIA-FV-1.pdf) and ENOC (November 2020), [Common Framework of Reference on Child Rights Impact Assessment: A Guide on How to carry out CRIA](http://enoc.eu/wp-content/uploads/2020/12/ENOC-Common-Framework-of-Reference-FV.pdf), (Brussels, ENOC). [↑](#footnote-ref-4)
5. NICCY has commissioned analyses of public expenditure on children in [2007](https://www.niccy.org/media/2266/niccy-analysis-public-expenditure-exec-sum-08.pdf) and [2015](https://www.niccy.org/publications/2015/october/16/childrens-budgeting/), [an exploration of children's budgeting in NI,](https://www.niccy.org/publications/2014/march/31/childrens-budgeting-in-ni/) and produced more detailed analyses of [expenditure on education](https://www.niccy.org/publications/2017/august/31/cost-of-education-report/) and [mental health services for children and young people](https://www.niccy.org/media/3114/niccy-still-waiting-report-sept-18-web.pdf) – see Chapter 8. [↑](#footnote-ref-5)