

## **Briefing to the Environment Committee**

### **Consultation on Preparing a Road Safety Strategy for Northern Ireland 2010-20**

3 June 2010

#### **Contents:**

- 1.0 Introduction
- 2.0 Children's rights
- 3.0 Consultation with children and young people
- 4.0 Relevant NICCY research
- 5.0 Comments on the policy proposals:
  - 5.1 The need for recognition of 16 and 17 year old young people as a category distinct from adults
  - 5.2 Challenges, evidence and approach to road safety:
    - 5.2.1 Children and young people in rural areas
    - 5.2.2 Deprivation and child pedestrian casualties
  - 5.3 Road safety education
  - 5.4 Learner and restricted driver proposals and graduated driver licensing (GDL)
  - 5.5 Proposed targets to reduce number of road deaths and serious injuries to children and young people
  - 5.6 Measuring performance
- 6.0 Conclusion



## **1.0 Introduction**

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 (NI).

Under article 7(2)(3) of this Order, NICCY has a duty 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. The Commissioner's remit covers children and young people from birth up to 18 years, or 21 years of age if the young person is disabled or in the care of Social Services.

In determining how to carry out her functions, the Commissioner's paramount consideration is the rights of the child, and NICCY is required to base all its work on the United Nations Convention on the Rights of the Child (UNCRC).

NICCY understands that the consultation on the new road safety strategy seeks views on road safety issues in NI and invites those with an interest in road safety to comment on how the Department of the Environment and its statutory partners might improve performance in the future.

NICCY welcomes the invitation to brief the Committee on what we believe to be the key issues with regard to safeguarding and promoting the rights of children and young people within the road safety proposals.

The road safety proposals are wide-reaching in nature, and some issues covered in the consultation document will be beyond the remit of NICCY. Our discussion of the proposals will extend to those issues that impact on children and young people only.

## **2.0 Children's rights**

When assessing any policy proposals which affect children, NICCY's first and foremost consideration is to highlight the relevant UNCRC provisions that the Department(s) have a responsibility to uphold.

Thus before making any comments on the substantive proposals, we would highlight the fact that the UK Government, including Northern Ireland, is a signatory to the UNCRC, and as such, has agreed to uphold the rights of children and young people based on the Convention.



NICCY recommends that the Department of the Environment's (DoE's) proposals give recognition to the UN Convention on the Rights of the Child. As a minimum, we would highlight the four General Principles of the UNCRC, which the policy drafters should find of benefit in understanding their core responsibilities to children's rights:

- Article 2: children shall not be discriminated against in exercising any of their rights under the UNCRC.
- Article 3: all decisions taken which affect children's lives should be taken in the child's best interests.
- Article 6: all children have the right to life and to the fullest level of development.
- Article 12: children have the right to have their voices heard in all matters concerning them.

We note, for example, that DoE has given much thought within the draft strategy to how issues such as social deprivation, or living in a rural area, can put children at greater risk on our roads. These are key areas where the Department should be benchmarking its proposals against the UNCRC.

**NICCY recommends that the policy proposals give explicit commitment to upholding the values and relevant provisions of the UNCRC.**

### **3.0 Consultation with children and young people**

We have already highlighted article 12 of the UNCRC, which states that children have the right to express their opinion in matters directly impacting upon them and have those views given due weight in accordance with their age and maturity.

Public authorities in NI also have a duty under section 75 of the Northern Ireland Act 1998 to meaningfully consult with children and young people on issues that have direct relevance to their lives. NICCY has regularly expressed our belief through a range of policy and consultation work that many public authorities have not taken seriously this obligation in consultation processes.

In terms of the current consultation exercise, we note that Annex E of the draft policy document (Impact Assessments) highlights that *"an important part of the informal consultation process was to engage with children and young people (age range 0 to 25)."*

NICCY warmly welcomes the Department's sign of commitment to its duties and responsibilities to engage with children and young people in the creation of the



consultation document. We would, however, point out that a 'child' or 'young person' for the purposes of the UNCRC refers to someone under the age of 18, since we note that the pre-consultation engagement took place with adults up to the age of 25.<sup>1</sup> It is important that children and young people are identified as such, and that 16 and 17 year olds in particular are included within the 'child and young person' category, as distinct from over 18s.

NICCY would welcome information from the Department as to how the informal engagement with children and young people influenced the creation of the consultation document.

We note that at page 29 of the consultation document DoE states that:

*"As many of the children and young people are in education or training and, having regard to curriculum delivery and examination periods, our engagement planned with some young people has necessarily had to take place outside this formal consultation period."*

NICCY appreciates that a flexible approach is required in engaging with children and young people. We would welcome further information on the extent to which DoE consulted with children and young people on the final document for consultation.

**Following consultation, NICCY would recommend that the Department highlight how the views of children and young people will influence the development of the policy proposals.**

#### **4.0 Relevant NICCY research**

Road safety, in previous years, has been a key area of work for the Commissioner.

In 2005 we jointly commissioned research with the Department of Regional Development (DRD) and the General Consumer Council. The research report, entitled 'Safer Journeys to School' was published in 2006 and brought light to a number of concerns for children and young people, including, for example, the safety issues in terms of the operation of the '3 for 2 rule' for those in receipt of free transport on buses. The research assisted in leading to the abolition of this rule.

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<sup>1</sup> However, this may be extended in certain cases. For example, NICCY's remit extends to 21 where a young person has a disability or is under the care of social services.



In early 2009, NICCY launched the report of its 'Children's Rights Review'. This research considered the aspects of children's lives in NI which are covered by the UNCRC. This included consideration of children's road safety. The research was carried out in 2007 with over 2000 children and young people across NI and a range of adults, and the findings indicated the need for further measures to be taken with regards children's road safety. Concerns highlighted include:

- Risks for children and young people as pedestrian or cyclist road users (with the focus primarily on the behaviour of others, rather than that of children and young people)
- Speed of cars, including prevalence of joyriding in some areas
- Inadequate dedicated crossing points
- Inadequate traffic calming measures
- Travel to and from school, with particular dangers facing children and young people around school buildings due to traffic congestion at start and end of school day
- Dissatisfaction with the operation of statutory walking distances
- Particular concerns in rural areas, including:
  - Lack of pavements in rural areas
  - The longer distances children have to travel on buses to and from school
  - The irregularity of transport provision
  - The longer distances children have to walk to access public transport, often on unpaved and badly lit roads

While highlighting these concerns from NICCY's Children's Rights Review, we also acknowledge the number of positive developments in relation to road safety in NI. NICCY clearly welcomes the measures implemented in recent years that have led to the reduction of child fatalities and serious injuries from road traffic accidents, and the incorporation of preventative initiatives.

At the time of writing of the Children's Rights Review report, NICCY stated that we felt that the work towards a new road safety strategy could offer a potentially effective medium for further progression of road safety initiatives and targets, from a children's rights perspective. As for areas that NICCY felt should be appropriately integrated into recommendations for a new strategy, we cited the need for:

- Greater speed management initiatives
- More dedicated walking and cycling routes
- A review of school transport policies
- Lowering of drink driving limits
- The introduction of graduated driver licensing schemes



We would encourage DoE to take on board our Children's Rights Review recommendations in finalising the new road safety strategy.

## **5.0 Comments on the policy proposals**

NICCY's interest in the Road Safety proposals extends to the issues which impact children and young people only, and thus we will not be considering the full extent of the proposals, but only those areas which are covered by our statutory remit.

We note that DoE is seeking comments on the action measures it has proposed for children and young people (action measures 151-153). We will discuss each relevant action measure as appropriate. We would highlight that a number of the 174 action measures which are not categorised under 'children and young people' will in practice impact upon them. We will discuss these measures as appropriate.

### **5.1 The need for recognition of 16 and 17 year old young people as a category distinct from adults**

An important point that NICCY would like to highlight for preliminary purposes is our uneasiness with the Department's grouping of 16 and 17 year old young people in the same category as adults. We have already mentioned this point in relation to the informal pre-consultation engagement undertaken with 0-25 year olds as part of the work towards creating the draft proposals.

The draft proposals focus on two age brackets of relevance to the Commissioner: 0-15 year olds and 16-24 year olds.<sup>2</sup> NICCY does not agree that 16 and 17 year olds be subsumed into the 'under 24' age bracket.

We acknowledge that the Department may wish to gather comparative data on these set age brackets, or it may wish to collate information under the 16-24 age bracket, for other purposes, in light of the fact that young people tend to be overrepresented in road deaths and in terms of responsibility for collisions. However, it is also crucial that Government policy documents and strategies recognise 16 and 17 year olds as young people, distinct from adults. DoE should be able to break down its figures so that 16 and 17 year olds are considered distinct from adults.

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<sup>2</sup> As previously highlighted, the Commissioner's remit covers children and young people from birth up to 18 years, or 21 years of age if the young person is disabled or in the care of Social Services.



In the past, NICCY has criticised Government strategies which exclude 16/17 year olds from the 'children and young people' category. The opportunities for 16 and 17 year olds are much more restrictive than over 18s and this can have a huge impact on their day-to-day lives – they cannot vote, they are subject to a lower minimum wage – these are just two examples. Most importantly, for the purposes of the Government's obligations under the UNCRC, 16 and 17 year olds should be classed as 'children'. It is crucial that Government strategies acknowledge its responsibilities to 16 and 17 year olds, and thus **NICCY recommends that DoE publish and compare data for all children and young people, ensuring that it is able to break down the figures for 16 and 17 year old young people, as distinct from adults.**

## **5.2 Challenges, evidence and approach to road safety**

NICCY welcomes the DoE's acknowledgement of the need to protect children as a key road safety challenge (as stated in chapter 3 of the consultation document). NICCY also agrees with the Department that the overrepresentation of 16-24 year olds is highly concerning in terms of road deaths and serious injuries and in terms of responsibility for collisions. It is important that the Department has named young people and young drivers as a key challenge.

In addition to this, we note the welcome recognition of road safety in rural and border areas as a key challenge, and also the need to protect newcomers to NI, particularly those without English as a first language. **We would recommend that the Strategy explicitly recognise children and young people falling within these categories – that is, newcomers, and children in rural and border areas – as groups at multiple risk of danger on our roads.**

We would recommend a minor, but important amendment to the wording on page 20 of the draft strategy, with regard to newcomers to NI from other countries. Paragraph 3.1 states that the new strategy should protect "new citizens of Northern Ireland, including those for whom English might not be their first language." NICCY would point out that the term "citizen" may in practice restrict the road safety vision to citizens of NI only, when in fact, many, if not most, newcomers will not, or may not wish to, acquire British or Irish citizenship. This may seem a minor point, but it is crucial for Government to be explicit about its responsibilities. It is important that the correct language is used to ensure that the strategy will have broad application to all people in NI generally. We would like to see the reference to "new citizens" amended to reflect this.



### **5.2.1 Children and young people in rural areas**

It is important that the strategy reflect the fact that children from rural areas are at multiple risk of danger on the roads. NICCY's Children's Rights Review identified a considerable number of concerns for rural children's road safety. We would take the opportunity to re-state the concerns that our Review suggests may put children from rural areas at greater risk:

- The lack of pavements in rural areas
- The longer distances children have to travel on buses to and from school
- The irregularity of transport provision
- The longer distances children have to walk to access public transport, often on unpaved and badly lit roads

We welcome the fact that the draft strategy gives considerable recognition to the road safety issues in rural areas. We note the draft strategy's commitment *"subject to available funding"* to *"develop a programme of part time 20mph speed limits at rural schools on roads where the national speed limit applies"* (para 6.9 of the consultation document).

We also welcome two action measures for the strategy which concern visibility of children travelling to and from school. Action measure 163 would require the Department of Education (DE) to issue guidance on school uniforms and visibility, while Action measure 174 would require DoE (with DE as support) to investigate ways to improve the visibility of pedestrians, particularly children travelling to and from school. NICCY would recommend that these measures are addressed with priority.

We also note that action measure 111 would hold DoE to *"consider producing a new public information campaign highlighting the dangers associated with being a pedestrian on rural roads"*, NICCY would welcome a particular focus on children and young people in any such campaign.

We finally note a number of welcome action measures which would target the reduction of speeding and speed limits on rural roads. We would recommend that any revenue raised from speeding fines is earmarked for the promotion of road safety or preventative measures.

### **5.2.2 Deprivation and child pedestrian casualties**

NICCY welcomes DoE's research initiative to consider the link between child pedestrian casualties and deprivation in the area in which collisions occur. The finding of a clear trend for increasing rates of pedestrian casualties (0-15 year olds) with increasing area deprivation is concerning, but perhaps unsurprising.



We understand that the research shows that a child living in a most deprived area is almost 5 times more likely to be injured in a collision than a child living in a least deprived area.

In addition, research published in 2004 showed, for example, that 37% of children experiencing severe child poverty did not have access to nearby safe play areas, a significantly higher proportion than that of the general child population (21%).<sup>3</sup> Clearly the impact of a lack of safe play areas (for example, the lack of a garden) will lead children to play on the streets, which could link to higher injury levels. Planning the use of public spaces – including roads – must take into account how children make use of spaces.

It is stated in the consultation document that the child deprivation research *“suggests that road safety strategies should recognise the effect of area deprivation on child pedestrian casualty rates and that interventions should be distributed with an appropriate focus on deprived areas”* (page 21).

Two of the 174 proposed action measures for the 2010-2020 draft strategy relate to child deprivation:

Action measure 133 states that:

*“We will seek opportunities to educate those young people not in employment, education or training about road safety with a particular focus on areas of deprivation”* (DoE as lead Department).

Action measure 148 states that:

*“We will consider, learn from and, where appropriate, implement any relevant recommendations from ongoing road safety research projects including: Deprivation and Child Pedestrian Casualties...”* (DoE as lead Department)

While we welcome these action measures, we would like to see the Department be clearer with regard to what action it will take to reduce the likelihood of child pedestrians deprived areas falling victim to collisions. For example, **we would recommend that DoE clearly state how it will work in partnership with the appropriate Departments to address the fact that the research findings suggest that the presence of schools, traffic activity, crime, whether the area is urban or rural and proximity to services, all contribute to the link to the link between deprivation and child pedestrian casualties.** We also note that the

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<sup>3</sup> Monteith, M. and McLaughlin, E. (2004) *Children and Severe Poverty in Northern Ireland*. Belfast: Save the Children.



trend for pedestrian casualties is higher for males than females – this finding demands an appropriate response.

**NICCY further recommends that the road safety proposals link-in, as appropriate, with NICCY’s related recommendation to Government for a child poverty action plan.**

Given the concerning trend for higher rates of child pedestrian casualties in deprived areas, NICCY would like more information as to what extent DoE consulted with children and young people from such areas.

### **5.3 Road safety education**

NICCY agrees with DoE’s proposal to undertake an audit of road safety education services and resources to ensure that they appropriately address current road safety issues – we expect that DoE will work closely with the Department of Education on this matter. NICCY also agrees with DoE’s proposed initiative to ensure that children understand the importance of road safety from pre-school onwards.

NICCY’s research findings and recommendations from our Children’s Rights Review should be of benefit to DoE in finalising the proposals with regard to educational initiatives. We have already highlighted a number of recommendations relevant to road safety education for child pedestrians and school transport.

### **5.4 Learner and restricted driver proposals and graduated driver licensing (GDL)**

NICCY understands that it is DoE’s intention to consult on proposals to abolish the existing 45mph speed restriction on learner and restricted drivers, and introduce a new system of ‘Learning to Drive’ and GDL to replace the current ‘R’ driver scheme. In April, NICCY received advance notification from the DoE Road Safety Division of this consultation, however, at the time of writing, the consultation has not been published, and thus we are unable to comment in detail on the impending proposals.

For the purposes of the road safety consultation, NICCY understands that DoE is simply wishing to seek views on the broad principles of improving the competencies of novice drivers and minimising risks.

NICCY has previously considered the area of GDL and we understand that various forms of GDL operate in some jurisdictions, allowing new drivers to



gradually build up their driving skills and experience over a set period. NICCY welcomes some of the research evidence from jurisdictions operating GDL schemes which show a positive impact on road accidents following the introduction of GDL.<sup>4</sup>

A large percentage of young people will be affected by the upcoming GDL proposals, given the large proportion of young learner drivers. There would clearly be some potential negative impacts on young people. NICCY notes, for example, that DoE, through its various impact assessments of the full set of Road Safety proposals, has identified the negative equality impact on 'age' of the proposed abolition of the existing 45mph restriction and introduction of GDL (page 106 of the consultation document). In this regard, DoE states that:

*"If [GDL is] adopted, social restrictions (i.e. re. driving at night and/or with peer passengers) will have economic and welfare impacts."*

These are some of the negative impacts. There may also be potentially positive impacts. However, without knowledge of the proposals for the GDL consultation, we are unable to comment in detail at this stage.

In terms of learner drivers, NICCY acknowledges that the Department for Transport (Driver Standards Agency) consulted on proposed changes in Great Britain (GB) through the 2008 'Learning to Drive' GB consultation, and that DoE aims to introduce proposed GB initiatives in NI through the upcoming DoE consultation. Once again, we are unable to provide detailed discussion with regard to the learner driver proposals at this stage, since the consultation document has not been issued at the time of writing. However, the current road safety strategy consultation document does outline a number of plans for changing the learning to drive process, which we expect will be included in the upcoming consultation, these include:

- The rollout of a new foundation certificate in road use, and partial credit towards theory test for students awarded the certificate
- Changing the theory test process to verify whether learners have understood the theory
- Learning from GB trials to assess effectiveness of the new 'Learning to Drive' syllabus
- Encouraging candidates to be observed in practical test
- Introducing an element of independent driving to practical test

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<sup>4</sup> For example, see the following analysis from New Zealand: Graduated Driving Licensing (2001) *A review of some of the current system* (TRL report 529).



- Introducing a new voluntary programme of further learning for learner drivers

As with proposals for GDL, the proposed changes to the learner driver scheme with also have potentially negative impacts on young people, mainly the added cost of learning to drive (as identified in the DoE's impact assessment of the road safety proposals). Clearly, there could potentially also be positive impacts, for example, if driving education could be provided free of charge through school or training colleges, or where the increased driver education would bring down the cost of insurance. However, it is difficult to comment on potential impacts without knowing the extent of the proposals for learner and restricted driving schemes and the introduction of GDL.

**NICCY would recommend that the upcoming 'Learner and Restricted Driving Schemes and Introduction of GDL' proposals seek to appropriately mitigate any negative equality impacts on young people.**

**NICCY would also recommend that DoE consider whether it should carry out a separate Equality Impact Assessment of the learner driver and GDL proposals prior to the issuing of the consultation.**

**NICCY further recommends that the GDL consultation process include appropriate and meaningful consultation with young people.**

Subject to these recommendations, and assuming that there will be support for the impending proposals – NICCY would agree that changes to learner and restricted driving schemes take place, and that a GDL programme be introduced for newly qualified drivers in NI, based on examples of best practice from elsewhere.

We appreciate that the road safety consultation document provides some examples of the types of measures that may be proposed for learner drivers and a GDL scheme for NI. We look forward to being kept up-to-date with any developments.



## **5.5 Proposed targets to reduce number of road deaths and serious injuries to children (aged 0-15) and young people (aged 16-24) by at least 55% by 2020**

NICCY welcomes the fact that the 2002-2012 Road Safety Strategy target of a 50% reduction in child road deaths and serious injuries by 2012 has already been met and exceeded (with a 59% reduction in 2008). In practice, this meant that in 2008, seven children died (compared with the 1996-200 average of 15). NICCY believes that this is seven children too many.

When commenting on the 2002-2012 targets in our Children's Rights Review, we stated that we believed that there was scope for a revised, more ambitious target for child deaths and serious injuries. While we welcome the meeting and exceeding of the 2002-2012 targets ahead of time, and while we would not wish to take away from this achievement – in some respects – the fact that the targets were exceeded four years ahead of the due date (2012) also makes us question whether the Department set ambitious enough targets at the launch of the strategy.

The previous strategy was designed to run until 2012, however, we understand that the Department is introducing the new strategy now in 2010 in acknowledgement of the fact that most of the 2002-2012 targets have been achieved.

We note the proposed target for the incoming draft strategy is to reduce the number of road deaths and serious injuries to children aged 0-15 by at least 55% by 2020, compared with the 2004-2008 average. The same target is proposed for 16-24 year olds.

NICCY does not hold expertise on the setting of such road safety targets, and therefore we will not comment on the proposed figure of a 55% reduction.

**However, in light of DoE exceeding its previous target well ahead of schedule, NICCY will recommend that, with the new strategy, it carefully consider whether it has set an ambitious enough target from the outset.**

## **5.6 Measuring performance**

We welcome the commitment in the draft strategy to measure and understand performance each year. **NICCY recommends that, if, during the lifetime of the new strategy, the Government finds that it meets or exceeds the set targets ahead of schedule, it should consider the scope for re-setting targets to achieve more ambitious results.**



We also note that the list of performance indicators contained in Annex A of the consultation document makes no reference to children and young people.

**NICCY recommends that DoE revise the indicators to explicitly include children and young people, for example, those from areas of high deprivation and rural areas.**

## **6.0 Conclusion**

NICCY appreciates the opportunity to brief the Committee on the issues that we believe to have key significance for children and young people in the new Road Safety Strategy.

NICCY will be happy to respond to any questions regarding our comments.

