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Date: 9th March 2015

Dear Sir/Madam,

Consultation paper on the draft statutory guidance on the operation of community planning Local Government Act (Northern Ireland) 2014.

Thank you for the invitation to respond to this consultation.

For your information, NICCY have advised the Department of Environment on the inclusion of children and young people in the Local Government Bill, with specific reference to engaging with them in Community Planning and any associated guidance.

The Department of Environment has already endorsed NICCY's Participation Statement of Intent (PPSI) which confirms its commitment to participation, i.e.:

- "to listen to the views, concerns and opinions of children and young people in an open and inclusive manner, enabling their voices to inform and be heard by engaging with them in meaningful and creative ways; and
- in developing existing policies and working practices to embed participation into our department".

I am providing this letter of response in relation to the specific role and involvement of children and young people in the community planning process. Therefore it does not seek to provide a detailed response in other areas. With this being the core focus for NICCY and in considering the issues raised in the consultation, I urge the Department of Environment to take account of the four guiding principles – particularly **Article 12** below, of the United Nations Convention on the Rights of the Child (UNCRC). The UK Government, including Northern Ireland, is a signatory to the Convention and it has agreed to uphold the rights of children and young people based on the Convention. The UNCRC provides the overarching framework which guides NICCY's work.

These principles are:

- **Article 2:** '*Children shall not be discriminated against and shall have equal access to all articles in the UNCRC*'. This means every child within a jurisdiction should be able to enjoy the provisions and protections enshrined in law, policy and practice, without

discrimination of any kind, and irrespective of their or their parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

- **Article 3:** '*All decisions taken which affect children's lives should be taken in the child's best interests*'. Essentially, in all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child should be a primary consideration.
- **Article 6:** '*All children have the right to life and to the fullest level of development*'. The rights contained in this article are linked to an enjoyment of the 'highest attainable standard' of health and living, and to specific issues including child protection, poverty and care.
- **Article 12:** '*Children have the right to have their voices heard in all matters concerning them*'. This article asserts that 'States shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting them, the views of the child being given due weight in accordance with their age and maturity'. Children and young people should therefore be afforded genuine opportunities to participate in decision making in relation to matters affecting their lives.

Also, the Government's 'Our Children and Young People – Our Pledge: A Ten Year Strategy For Children and Young People in Northern Ireland 2006 – 2016' includes an underpinning value that children and young people should be active participants in society. It supports this by aiming to develop a culture where the views of our children and young people are routinely sought in matters, which have an effect on their lives.

"In accordance with the UN Convention on the Rights of the Child, we will be proactive in obtaining the views of children in matters of significance to them" (pg 20)

Two of the key outcomes of this Strategy have been identified as:

- Children and young people contribute positively to community and society; and
- Children and young people live in a society which respects their rights.

Importantly, the Strategy has identified that involving children in their communities and decision making process works, as does embedding the UNCRC within policy development and service delivery.

Additionally, the UN Committee on the Rights of the Child has recommended the implementation of a programme 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.

Section 75 of the Northern Ireland Act places a statutory obligation on designated public authorities to have due regard to promote equality of opportunity and regard to good relations. Age is included as one of the nine specific categories. In accordance with its Equality Scheme, such designated public authorities should consult with relevant stakeholders including children and young people when, for example, developing policies or legislation on matters which may have an impact on their lives.

With the above in mind, and with regard to this consultation:

- **Section 6.7:** NICCY welcomes within the Guidance, the reference to a specific responsibility to encourage and promote the role that can be played by children and young people in community planning. We also welcome the reference to NICCY's Northern Ireland regional model of engagement as a template for moving forward with engagement with children and young people.

In addition this section should also include, in referencing specific government commitments, its specific responsibility under the United Nations Convention on the Rights of the Child (UNCRC) to engage with children and young people (see UNCRC principles above)

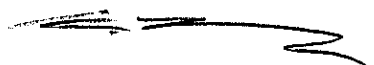
- **Section 3.3:** This states that "Partnerships **should** ensure that private sector interests are properly represented and should aim to include local business organisations as support partners." This should be expanded to state that partnerships **should also ensure that community and voluntary organisations are properly represented**, especially those who work with, or represent, children and young people.
- **Section 4.1: Community Planning Partnership;** Examples of additional partners should include representatives from community and voluntary sector - particularly those who work with, or represent, children and young people - especially if the role of the Partnership is to set the strategic direction for the local area.
- **Section 5.2: Partnership Panel;** As well as the Panel supporting the delivery of the Programme for Government and the local government agenda, it should also give explicit support, to the strategic engagement of children and young people. Delivering this through, for example, the 10 year Strategy for Children and Young People in NI 2006 – 2016', its successor and the UNCRC, as mentioned above.

It is also imperative that adequate monitoring systems are introduced at council level to ascertain and monitor both the quantity and quality of engagement with children and young people in decision making processes, and how that engagement impacts on the development of strategies, policies and initiatives.

In conclusion therefore, I would strongly recommend that the key principles of the UNCRC, existing legislation, strategies and initiatives as well as the above comments pertaining to

children and young people, inform the outcome of the Department of Environment's **'Statutory guidance on the operation of community planning Local Government Act (Northern Ireland) 2014'** consultation, which will impact directly or indirectly on children and young people.

Yours sincerely,



Koulla Yiasouma
Commissioner