

Local Government Policy Division 1  
Department of the Environment  
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Belfast,  
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Date: 10 December 2014

Dear Sir/Madam

**Consultation Paper on the draft Local Government (Community Planning Partners)  
Order (Northern Ireland) 2015.**

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 will not be providing a detailed response on this occasion, however, in considering the issues raised in the consultation, I would urge the Department of Environment to take account of the four guiding principles 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 '**10 year Strategy for Children and Young People in NI 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 the '**Delivering Social Change (DSC) Strategy for Children and Young People**' are also reflective of the high level outcomes as identified in the Strategy for Children and Young People i.e. that:

- 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 DSC 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. In response to this evidence, the following action has been identified:

- Develop a programme designed 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.

**Additionally**, with regard to this consultation, I would urge the Department of Environment to take account of the following issues relevant to children and young people and as posed in the 2 questions asked:

**Q1** - NICCY has no issue with the **list of statutory partners** as outlined, however would request that the statutory partners, especially the Education and Library Boards and the forthcoming Education Authority, should have a specific remit to ensure that the voice of children and young people is heard within community planning, and is part of the decision making process. Reflecting on the figures from the 2011 census, children and young people (under 18 yrs) will account for 21% to 26% of the local council populations.

**Q2** - Re: Paragraphs 8e and 16 - **other support partners**: Specific reference should be made to those groups within the community that can support the council and its statutory partners, reflecting advice within the Community Planning Guidance e.g. representatives from the children and young people's sector. The introduction of youth councils could also support such mechanisms.

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 advise that the key principles from 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 '**Local Government (Community Planning Partners) Order (Northern Ireland) 2015**' consultation which may impact directly or indirectly on children and young people.

Yours sincerely

  
Patricia Lewsley-Mooney  
Commissioner