

## **Response to DENI's Priority for Youth (PfY) Consultation December 2012**

NICCY welcomes the Minister's PfY consultation and his intention that this strategy delivers 'a high quality service for young people which can effectively demonstrate its contribution to improved outcomes'. NICCY believes that successful life outcomes for our children and young people should be at the heart of all relevant government policies.

### **1.0 Introduction**

The Office of the Northern Ireland 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.

The age remit of the office is children and young people up to 18 years, or 21 years of age where a young person is care experienced or has a disability.

Under article 7(2) of the 2003 Order, NICCY has a duty to keep under review the adequacy and effectiveness of law and practice relating to the rights and welfare of children. Under article 7(3), we have a duty to keep under review the adequacy and effectiveness of services provided for children by relevant authorities.

In carrying out our function, NICCY's paramount consideration is the rights of the child and our work is based on the United Nations Convention on the Rights of the Child (UNCRC).

### **2.0 International Children's Rights Perspective**

NICCY recommends that the guiding principles of the UNCRC, as set out in the articles below, are incorporated as underlying principles in the PfY policy:

- Article 2: Children should not be discriminated against in the exercise 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 4: Governments should take all appropriate legislative, administrative, and other measures to implement the rights in the UNCRC. Governments should undertake measures to the maximum



extent of their available resources in order to implement economic, social and cultural rights. such as the right to education in its fullest sense.

- 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, and to have their views given due weight in accordance with their age and maturity.
- Article 29: Education should be directed towards developing children to their fullest potential; developing respect for human rights; respect for their parents, their identity and values, and those of others.

It is important to recognise that to fully realise the rights above requires consideration of all rights contained within the UNCRC and associated guidance from the Committee on the Rights of the Child.

We draw particular attention to the obligation placed on government under article 12 of the Convention and specifically the additional commentary provided by the United Nations Committee on the Rights of the Child to the general responsibilities of States Parties in terms of the implementation of Article 12:

- "Provide training on article 12, and its application in practice, for all professionals working with, and for, children."<sup>1</sup>
- "Ensure appropriate conditions for supporting and encouraging children to express their views, and make sure that these views are given due weight, by regulations and arrangements which are firmly anchored in laws and institutional codes and are regularly evaluated with regard to their effectiveness"<sup>2</sup>
- "Combat negative attitudes, which impede the full realization of the child's right to be heard, through public campaigns, including opinion leaders and the media, to change widespread customary conceptions of the child."<sup>3</sup>

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<sup>1</sup> Committee on the Rights of the Child: General Comment No. 12 (2009): The right of the child to be heard: paragraph 49; and Point 20; Concluding Observations from the UN Committee on the Rights of the Child to the UK Government, 2008

<sup>2</sup> As above

<sup>3</sup> As above



- “If participation is to be effective and meaningful, it needs to be understood as a process, not as an individual one-off event. Experience since the Convention on the Rights of the Child was adopted in 1989 has led to a broad consensus on the basic requirements which have to be reached for effective, ethical and meaningful implementation of Article 12. The Committee recommends that States parties integrate these requirements into all legislative and other measures for the implementation of article 12.”<sup>4</sup>

## **2.1 Children’s Rights and Priorities for Youth**

The Education Minister rescinded Circular 1979/10 - entitled ‘Greater Involvement of Young People in the Youth Service’, which was issued in February 1979 to create a system for participation in the Youth Service – because it, (amongst other reasons), “*pre-dated the UN Convention on the Rights of the Child and was not rights-based*”.<sup>5</sup> However, although the UNCRC is referenced (**1.5**) as being taken into consideration and mindful that the framework will ‘*reflect the main guiding principles of the UNCRC*’ and while we welcome this, there is no information on which guiding principles are to be referenced, or how they are reflected in the proposed actions in the document’s conclusion or indeed how the principles of the UNCRC will be promoted.

The document states: “*Equality, inclusion and rights are the cornerstones of an education system which enables every learner to fulfil their potential*”. Again this is to be welcomed, NICCY suggests greater reference to explicit rights.

**NICCY requests further details be provided on what are the main guiding principle of the UNCRC pertaining to PfY and how these will be promoted?**

## **3.0 Structure/Governance**

Within Priorities for Youth (PfY) the opportunity to integrate youth work with other services outside education appears to have been missed. PfY does not effectively address the issue of marginalisation of young people within their communities – negative stereotyping was identified as a key priority by young people<sup>6</sup> and reinforced by the UN Committee on the Rights of the Child which

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<sup>4</sup> Committee on the Rights of the Child: General Comment No. 12 (2009): The right of the child to be heard: paragraph 133

<sup>5</sup> NI Assembly debate, 25<sup>th</sup> October, 2011

<sup>6</sup> An Independent Analysis of Responses to the Department of Education’s ‘Priorities for Youth’ consultation; Pg.14; Haydon & McAlister, 2009



stated that the government ‘*should act to protect young people against negative stereotyping seen in society and in the media*’<sup>7</sup>. Restructuring the youth service provides an opportunity for it to become better integrated within and across communities and indeed with other services available to young people, yet such opportunities are absent.

There is a lack of detail on how the youth service will link to other departments’ areas of responsibility, e.g. Health, Justice, Employment and Learning, Social Development; how it will link to other strategies such as OFMDFM’s 10-year strategy for children and young people; Education and Training Strategy for 16-19 years old; Delivering Social Change; DEL’s ‘Pathways to Success’ (‘NEETs’) Strategy; DE’s Shared Education; DSD’s work on developing communities and regeneration plans. Failure to establish the principles of partnership, shared working and linked programmes will continue to create real barriers and ongoing difficulties, when programmes of work are undertaken.

Recognition of the value of the Youth Service Curriculum and its valuable contribution particularly with those young people who have disengaged or who are ‘at risk’ of disengaging from formal education – sometimes without qualifications and/or life skills - is vital (**section 2.8**). Acknowledgement of the contribution of the youth service curriculum to supporting the formal education curriculum i.e. DE priorities, is to be welcomed. It is important therefore to ensure this strategy is utilised to strengthen overall youth service provision. (**3.4** refers). Resourcing the Service adequately and effectively and creating stronger strategic links and funded pathways are also crucial.

It is hoped that the Ministerial Sub-Committee for children and young people, which has met nine (9) times in the past four (4) years, would consider PfY going forward.

**NICCY requests clarity on how Government Departments will work together to maximise the opportunities available to children and young people through the youth service – especially for those who are most vulnerable.**

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<sup>7</sup> Point 23: Concluding Observations from the UN Committee on the Rights of the Child to the UK Government, 2008.



## 4.0 Definition of Youth Work

The Department of Education invests in Youth Work to support and encourage children and young people as they mature and reach their potential as valued individuals and responsible citizens. Youth Work is educational in the sense that it provides a 'social' education within the context of a broad spectrum of diverse activity.<sup>8</sup>

While there is no one single definition of what youth work is, the following gives a flavour of the key elements of informal learning, personal development and voluntary participation:

"Youth work helps young people learn about themselves, others and society, through informal educational activities which combine enjoyment, challenge and learning"<sup>9</sup>

Similarly

"a planned programme of education designed for the purpose of aiding and enhancing the personal and social development of young persons through their voluntary participation"<sup>10</sup>

NICCY is concerned that the policy appears to focus on formal educational attainment (4.5) to the detriment of the holistic approach to youth work and is mindful that young people choose voluntarily to engage with their local youth club/organisation. In developing any new policy, this premise must be at the core. That the policy focuses youth work in a narrow interventionist role where engagement may potentially exclude a large number of the youth population is also of concern. This is starkly exemplified by the policy's proposal with regard to the engagement of young adults in the 22-25 year age range **(4.5.7)**:

"Services for young adults in the age range 22-25 will only be considered where there is a compelling and evidenced need for youth work interventions for this age range"

**NICCY recommends that PfY policy should reflect the holistic, informal though structured ethos of youth work which develops and prepares young people to be citizens through learning, participation and individual growth and which reflects a flexibility to respond to, at times, complex individual needs.**

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<sup>8</sup> DENI Website: <http://www.deni.gov.uk/index/support-and-development-2/youth-service.htm>

<sup>9</sup> The National Youth Agency Guide to Youth Work, Dec 2007

<sup>10</sup> Youth Work Act, Republic of Ireland 2001



## 5.0 Participation

NICCY welcomed the Department's pre-consultation exercise which, along with YouthNet's and the Youth Forum's pre-consultation exercises, gathered the views of more than 2,000 children and young people.

However, the time gap between this feedback and the development of the PfY policy raises queries about the continued legitimacy of these views. Although these views are mentioned within the current policy context early in the document (**2.14**), NICCY is concerned that these views are not substantially reflected in the body of the document.

In section **2.22**, there is a recommendation to take forward an analysis of participative structures, but no information into how this will be done. We welcome the fact that participation is an integral part of youth work, **4.15** states that 'every opportunity' should be given to young people to participate in all aspects and different ways. However, the strategy states that *'...following on from the Big Deal, that there is an opportunity to review the functioning of existing participation opportunities and structures in the youth service by potentially setting up a Network for Youth initially within the youth service. It will be important that this work is not driven by DE.'*

Priority 4, Action 4 states *'ETI will continue to evaluate the quality of participation, including the culture of participation...'* However, it also states (**4.17.4**) that *'prescriptive guidance on participative structures is no longer required, and the remaining elements of the formal guidance issued by DE in 1979 will be withdrawn.'* NICCY would ask that clarification be included on what baselines and benchmarks will be used by ETI to carry out such evaluations?

In this section and in the European Section (**2.11 / Appendix 5**), it may be useful to reference the work done by the Council of Europe in developing participation guidance - approved by the Council of Ministers in May 2012, including UK. (NICCY can supply this on request).

The main issues identified by young people in **2.14** necessitates the voice and participation of children and young people in the development of a Youth Service which meets their needs.. NICCY notes that there are no young people represented on the Priorities for Youth Stakeholder Group and seeks clarification as to whether there is a similar group for young people?



**NICCY would welcome:**

- **an analysis of the pre-consultation outcomes against the content of the PfY;**
- **details on who will be responsible for the proposed ‘Network of Networks’;**
- **details on who will review existing participative structures if it is not being driven by DE;**
- **clarification of baseline and benchmarks to enable ETI to evaluate the quality of participation especially with the removal of participation guidance; and**
- **clarification on the direct role young people will have in the ongoing development of the youth service?**

## **6.0 Funding**

Funding to Boards and other voluntary youth sector providers which are grant aided from the Youth service budget is quite small at only £4m - £5m per ELB. This funding is to provide sponsorship to voluntary sector provision, employ Board youth staff, run youth centres and offices in each board area. There is the enduring perception that youth services are a ‘poor relation’ to the formal education sector.

The document recognises that the systems of funding show little or no coherence between what is being funded regionally and at a local level **(4.18)**.

**NICCY recommend:**

- **that a clear, ring fenced budget should be outlined to ensure adequate provision of youth services; and**
- **a clear explanation of criteria to be applied for the rationalization of the 10% cap to RYOs.**

## **7.0 Volunteers**

NICCY welcomes the Minister’s recognition of the vital role of volunteers - almost 22,000 volunteers support the youth service, representing 93% of its ‘workforce’.<sup>11</sup>

Although Priority 3 (4.8) outlines that sustaining and supporting the levels of volunteers is key to delivering this priority, NICCY is concerned that the PfY does not explicitly acknowledge their contribution including the ‘economic savings’ they represent nor clearly define structures to support volunteers

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<sup>11</sup> <http://www.deni.gov.uk/index/support-and-development-2/youth-service.htm>



through a designated volunteer strategy or policy. NICCY has received feedback from within the voluntary sector highlighting this issue as a key concern.

**NICCY would welcome, within PfY, such reference as stated to the value of volunteers in the youth service and an outline of support provision (strategy or policy) available to these volunteers.**

## **8.0 Children & Young People in Rural Areas**

There is little mention of the issue of rural isolation for those children and young people apart from **4.7.3**. Many young people live outside towns in small communities with little or no facilities or indeed access to services and/or leisure activities with the concomitant results such as depression or other physical and mental health problems.

NICCY has noted previously that for those young people in rural areas, proximity to facilities and how to reach them was a particular issue.<sup>12</sup> Closely linked with this issue is that of transport mentioned in **2.14**. Transport is a limiting factor for engagement in youth services and consideration must be given to reducing rural isolation and facilitating necessary engagement of young people in vital youth provision.

**NICCY recommends PfY explicitly states how support for the specific needs of children and young people living in rural communities is to be addressed.**

## **9.0 Other Issues of Concern**

- There appears to be insufficient focus on young people with learning difficulties making the transition into adult services. This would obviously necessitate associated requirements for relevant training and resourcing for voluntary and statutory sector youth workers including a necessary 'join up' with colleagues in the Health Sector.

In the Summary of Proposed Actions Areas (Appendix 12) there appears to be inconsistency in the identification of Outcomes / Key Performance indicators.

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<sup>12</sup> Children's Rights: Rhetoric or Reality; 2007/08 Review of Children's Rights in Northern Ireland, NICCY, Chapter 7, pg.325



NICCY would also ask for explicit reference to rights based training for youth workers, volunteers or managers.

## **10.0 Concluding comments**

As endorsees of NICCY's Participation Policy Statement of Intent [PPSI], the Department should ensure that children and young people have a key role in the future strategic development of the PfY policy and in the operational outworking of same.

NICCY believes that through PfY the Department has an opportunity to ensure that this 'increasingly relevant aspect of non formal education'<sup>13</sup> is appropriately rolled out and supports DE's vision and aims of enhancing the 'social and cognitive skills' of young people and the creation of 'inclusive, participative settings in which the voice and influence of young people are championed, supported and evident ...'<sup>14</sup>. NICCY hopes that the final PfY strategy reflects same.

I look forward to your response. Please do not hesitate to contact my office if you wish to discuss any of the issues raised in this response in further detail.

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<sup>13</sup> Ministerial foreword to 'Priorities for Youth' 2012

<sup>14</sup> Vision, Aims and Actions Appendix 12 PfY 2012

