



Barriers to Effective Government Delivery for Children in Northern Ireland

Dr Bronagh Byrne and Professor Laura Lundy

November 2011

**Commissioned by the Northern Ireland Commissioner for Children
and Young People**

Foreword

As Commissioner for Children and Young People my primary aim is to ‘promote and safeguard the rights and best interests of children and young persons’. One of the key ways I do this is through my statutory duty to review the adequacy and effectiveness of law and practice relating to the rights and welfare of children and young people, and to provide advice to government in relation to this.

As part of this work, in my first term of office, I have provided advice to government on a wide range of issues affecting children, both proactively and reactively. Each piece of advice is based on the commitments that the UK government made when it signed up to the United Nations Convention on the Rights of the Child (UNCRC).

In 2008 the UN Committee on the Rights of the Child produced Concluding Observations on the UK State report, making recommendations on key aspects of the UNCRC that required attention, including action for Northern Ireland. These provide a basis for the guidance I provide to government in relation to children’s rights and best interests.

On completing my first term of office, I have reflected on how government has responded to the advice I have provided. In many cases the process of developing policies, strategies and legislation has been extremely protracted, and the process of taking account of my advice has been very unclear. Moreover, on reviewing the advice I have provided, there are common themes, particularly in relation to failures to implement children’s rights.

In looking forward to my second term, I felt it was timely to examine these recurring themes, and to identify the barriers to the development of policies and legislation that will deliver effectively for children and young people. As a result I commissioned this report, which provides an analysis of how government is falling short in implementing the UNCRC. It focuses on government processes as opposed to particular issues affecting children and young people. It provides a set of highly practical recommendations for action, both for government and for my office to take forward.

The report authors, Dr Bronagh Byrne and Professor Laura Lundy have produced a comprehensive guide, identifying the barriers amidst the maze of initiatives, policies and strategies – and making recommendations that can make real change.

I am not naive as to the challenge facing government in delivering real change for children through the development of policies, strategies and legislation. The current recession makes this a difficult task, and I am concerned at what appears to be rolling

back in support for children's rights at this time. However, making children's rights a reality in Northern Ireland is not optional: it is a moral and legal requirement, following from the ratification of the UNCRC by the UK 20 years ago.

It is important to recognise that children's rights are not abstractions. They are about real children, experiencing real problems, and requiring real, focussed interventions from government.

I commend this report to you. A primary focus of my second, and final, term as Commissioner will be to advise – and challenge, where necessary – government to take concerted action to fully implement the UNCRC.

It is time to see significant, measurable progress in this regard.

A handwritten signature in blue ink that reads "Patricia Lewsley-Mooney". The signature is written in a cursive, flowing style.

Patricia Lewsley-Mooney
Northern Ireland Commissioner for Children and Young People

November 2011

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1.0 Introduction

This report into the barriers to effective government provision for children in Northern Ireland has been conducted on behalf of the Northern Ireland Commissioner for Children and Young People (NICCY). The remit of the project was to analyse the key structural barriers to effective government delivery for children in Northern Ireland, including:

- Identification of 6 to 10 key strategies, policies and associated action plans relating to children's rights and best interests;
- The development of a chronology of actions relating to the planning, development and implementation of these strategies, policies and action plans;
- A synthesis of NICCY's advice on these strategies, policies and action plans, as well as submissions from other stakeholders, focussing on the identification of common recommendations regarding structural barriers to effective delivery;
- An analysis of the degree to which NICCY's recommendations in relation to these strategies, policies and action plans have been taken into account by government agencies;
- An assessment of the extent to which statutory agencies consulted with children and young people in relation to these strategies/policies and an evaluation of how their responses informed strategies, policies and action plans;
- Identification of the key structural barriers to effective government delivery for children, along with recommendations of ways in which these barriers can be overcome.

NICCY's primary role, as defined in the Commissioner for Children and Young People (NI) Order 2003, is to keep under review the adequacy and effectiveness of law and practice relating to the rights and welfare of children and young persons. In the exercise of her functions under the Order, including research and investigations, the Commissioner is required to have regard to any relevant provisions of the United Nations Convention on the Rights of the Child (CRC). Article 4 of the CRC requires States Parties to take 'all appropriate legislative, administrative and other measures for implementation' of the CRC. The Committee on the Rights of the Child has provided extensive advice in both its General Comment on Implementation of the CRC (GC No 5, 2003) and in its Concluding Observations as to the structures, systems and approaches

that must be put in place to ensure that the substantive rights and provisions are effectively and fully implemented. In the light of this and the project remit, the investigating team sought to frame the research guided by the CRC and the Committee on the Rights of the Child's understanding of what is needed to ensure effective government delivery for children. Relevant guidance from the Committee includes the following:

- In addition to consolidated children's rights statutes, which highlight and emphasise the Convention's principles, all relevant 'sectoral' laws must reflect consistently the principles and standards of the Convention (GC No 5: 8). A comprehensive and continuous review of all domestic legislation and administrative guidance is necessary to ensure full compliance with the Convention.
- Effective protection of children's rights requires a unifying, comprehensive and rights based national strategy rooted in the Convention developed through a process of consultation with children and young people and those living and working with them and give particular attention to identifying and giving priority to marginalised and disadvantaged groups of children (GC No 5: 9). The strategy must be endorsed at the highest level of government and be linked to national development planning and budgeting. It must include a description of a sustainable process for realising the rights of children setting real and achievable targets in relation to the full range of rights in the Convention. It must set out specific goals, targeted implementation measures and allocation of financial and human resources.
- Effective implementation of the Convention requires visible cross-sectoral coordination to realise children's rights across all government departments, between different levels of government and between government and civil society including children and young people themselves (GC No 5: 11). A special unit with high level authority would contribute to the overall purpose of making children more visible in government and to co-ordination to ensure respect for children's rights across and at all levels of government (GC No 5: 11).

- Ensuring that children's rights are respected in law and policy and implemented at all levels of government demands a continuous process of child impact assessment which predicts the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights, and child impact evaluation, evaluating the actual impact of implementation. This process needs to be built into government at all levels and as early as possible in the development of policy (GC No 5: 13).
- A state cannot tell whether it is fulfilling children's economic, social and cultural rights 'to the maximum extent of available resources' (required by Article 4 CRC) unless it can identify the proportion of national and other budgets devoted to children, both directly and indirectly (GC No 5: 14).
- Sufficient and reliable data collection on children, disaggregated to enable identification of discrimination and disparities in the realisation of rights is an essential part of implementation of the Convention (GC No 5: 13). An annual publication of a comprehensive report on the state of children's rights in the jurisdiction is recommended, together with publication, wide dissemination and debate of such reports in parliament and in public (GC No 5: 14).
- The State has a duty to develop training and capacity-building for all those involved in the process of implementing Convention rights and for all those working with and for children and it should be integrated into all professional training codes and educational curricula. This training needs to be systematic and ongoing with the purpose of emphasising the status of the child as a holder of human rights, to increase knowledge and understanding of the Convention and to encourage respect for its provisions (GC No 5: 19). Periodic evaluation of the effectiveness of children's rights training reviewing the knowledge of the Convention as well as the extent to which it has contributed to developing attitudes and practices which actively promote enjoyment of children by their rights must also be undertaken (GC No 5: 15).
- Article 12 (1) CRC provides both for the right for young people to express their views on all matters concerning them and have them given due weight in accordance with their

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age and maturity. Involvement of and consultation with children must avoid being tokenistic and aim to ascertain representative views. With a view to building communication channels with young people, Government must develop a direct relationship with them, not one simply mediated by NGOs, and it must ensure and encourage the active participation of youth in all spheres of society and in decision making processes at all levels (GC No 5, 2003: 5).

The research team drew on the above to frame the investigation from a children's rights-based perspective. Core to this was the development of a set of indicators on effective government delivery for children which were used as the guiding framework for the research (see section 2.1).

2.0 Methodology

The study comprised of three key strands as follows:

1. Development of qualitative indicators on 'Implementing the UN Convention on the Rights of the Child';
2. Documentary analysis;
3. Semi-structured interviews with representatives from voluntary, statutory and government agencies.

Each of these strands are elaborated upon below.

Ethical approval for the study was obtained from the Research Ethics Committee of the School of Education at Queen's University Belfast. Data collection was carried out between February 2011 and April 2011.

2.1 Development of Indicators on 'Implementing the UN Convention on the Rights of the Child'

The project team developed a set of indicators specific to the implementation of the CRC. These indicators were the primary means by which targeted government strategies, policies and associated action plans were systematically tracked and analysed in the documentary analysis stage of the project, and barriers to their effective delivery identified.

The indicators were based on the standards set out in the CRC and on the commentary and observations of the Committee on the Rights of the Child. In particular, the project team drew on the Committee on the Rights of the Child's General Comment on Implementation (GC No.5, 2003); and the Committee's most recent Concluding Observations in respect of the United Kingdom of Great Britain and Northern Ireland (2008). The project team also drew upon other General Comments issued by the Committee on the Rights of the Child as appropriate and where relevant to a thematic area. For example, the Committee on the Rights of the Child has

elaborated extensively on the ways in which States parties should implement Article 12; the right of the child to be heard, in General Comment 12 (2009).

Indicators were developed under the following headings:

- Integration of children's rights principles in policy and legislation;
- Coordination, cross-agency and cross-sectoral communication;
- Child impact assessment;
- Engagement with children;
- Making children visible in budgets;
- Training and capacity building;
- Data Collection;
- Monitoring and Evaluation.

The indicators used in this study are set out in Appendix A.

2.2 Documentary Analysis

The second stage of the project consisted of a documentary analysis of key government strategies, policies and action plans. The project team focused on 10 key strategies, policies and action plans. A set of criteria was developed in conjunction with NICCY to underpin the rationale for the final choice of these. Specifically that:

- The strategy/policy/action plan should have significant relevance to children's rights and best interests;
- NICCY has provided advice in relation to it (normally through a consultation process);
- The strategy/policy/action plan reflects NICCY's five priority areas of work as set out in the 2008-2011 Corporate Plan;
- The strategy/policy/action plan should reflect a cross-section of those government departments targeted primarily by NICCY;

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- The strategy/policy/action plan should reflect a cross-section of those which are child-focused in nature, and those which are targeted at the general population more broadly.

Following consultation with the NICCY policy and research team, the following strategies, policies and action plans were agreed upon.

Strategy/Policy/Action Plan	Govt Dept	NICCY Priority	Population Focus
Delivering the Bamford Vision and Action Plan	DHSSPS	W&MH, HS	All
Children and Young People's Strategy and associated Action Plans	OFMDFM	All	C&YP
Play and Leisure Policy and Implementation Plan	OFMDFM	PI, HS	C&YP
Early Years Strategy	DE	ET, W&MH, HS	C&YP
Every School a Good School	DE	ET, W&MH, HS	C&YP
The Way Forward for Special Educational Needs	DE	ET, HS	C&YP
Families Matter	DHSSPS	W&MH, HS	C&YP
Speech, Language and Communication Therapy Action Plan	DHSSPS	ET, HS	C&YP
Care Matters	DHSSPS	Pr, HS	C&YP
Safeguarding Board for Northern Ireland	DHSSPS	Pr, HS	C&YP

Key:			
Play	PI	Protection	Pr
Equal Treatment	ET	Well Being and Mental Health	W&MH
Having your Say	HS	Children and Young People	C&YP

A chronology of the development, implementation and current status of each of these strategies, policies and action plans was completed.¹ NICCY's advice to government in respect of each of these areas was identified and recommendations with respect to government delivery on the chosen strategies, policies and action plans summarised.

In addition, the project team analysed and summarised advice and submissions made to government with respect to the above strategies, policies and action plans from a range of organisations in the NGO children's sector with the aim of identifying common themes and recommendations with respect to government delivery of strategies, policies and action plans, and structural barriers to the delivery process.

2.3 Interviews with Key Stakeholders

Semi-structured interviews were carried out with representatives from a number of voluntary and statutory agencies and government departments. The interviews sought to (i) explore patterns that emerged from the documentary analysis in further depth and (ii) obtain stakeholder perspectives and insight on: the extent to which government is delivering effectively for children; the barriers to effective government delivery for children; and the extent to which government is implementing children's rights based approaches in their delivery for children.

A purposive sampling strategy was adopted. Participants were identified in conjunction with NICCY on the basis of their role in (i) advising government on the development and/or implementation of key strategies, policies and action plans relating to children and young people, or in (ii) planning, developing or implementing key strategies, policies and action plans relating to children and young people. A letter outlining the aims of the study, research methods, dissemination and uses of the research data and ways in which anonymity and confidentiality

¹ See Section 3.3 below.

would be respected was sent to all identified representatives. It was stressed that participation was voluntary, that there would be no adverse consequences of a decision not to take part and that participants could withdraw at any time. Participants were asked to give their active consent to participate by completing an individual consent letter. Research was only conducted with those individuals who had given their consent to proceed. In total, 16 semi-structured interviews, each lasting 40 minutes on average were carried out. A breakdown of interviewees can be seen in Table 1.

Sector	Number of interviewees
Representatives from Government Departments	6
Representatives from statutory agencies	3
Representatives from NGOs	4
Members of the Legislative Assembly (MLAs)	3
Total	16

Table 1: Breakdown of interview participants.

Representatives from Government Departments

Key government department representatives were identified for the study in conjunction with NICCY. Due to the time constrained nature of the study and the nature of staff turnover within government departments, it was not always possible to target individuals specifically with respect to the targeted strategies, policies and action plans. Representatives were therefore selected in light of their role and experience in policy development and implementation within their department and which may or may not have included some aspect of the targeted strategies, policies and action plans. Those who consented to participate in the interviews represented a cross-section of government departments.

Representatives from Statutory Agencies

Two representatives from key statutory agencies were selected for their role in advising government on the development and implementation of strategies, policies and action plans as they impact on children and young people, while one representative was chosen for their role in assisting government in the implementation of key targeted strategies, policies and action plans.

Representatives from NGOs

All NGO representatives were purposively selected in light of their pivotal role and experience in advising government on the implementation of children's rights across the targeted strategies, policies and action plans. Participants represented a cross-section of children's sector organisations, and included organisations working with children from marginalised groups.

Members of the Legislative Assembly (MLAs)

MLAs were selected due to their particular interest in children's issues and experience of highlighting children's issues in the Northern Ireland Assembly. The MLAs who participated in the study represented parties across the political spectrum.

Interviews were audio recorded with the participant's permission and transcribed. A thematic inductive analytical strategy was adopted for all data using the computer software programme Maxqda2.

3.0 Findings

This section reports the key barriers to effective government delivery for children in Northern Ireland as they emerged from the study. The findings are grouped into nine key themes with the first theme – ‘commitment to children’s rights’ a primary cross-cutting theme. The nine identified themes which emerged from the study are as follows:

- Commitment to children’s rights;
- Training and awareness;
- Delays in development and implementation of key strategies, policies and action plans;
- Translating strategic visions into specific and measurable outcomes;
- Coordination and joined up government;
- Resourcing;
- Data, analysis and research;
- Engagement with children in the development and implementation of strategies, policies and action plans;
- Impact assessment.

Each theme is discussed in greater detail below. Evidence underpinning the rationale for each theme is drawn from:

- Assessment of key strategies, policies and action against the developed indicators;
- Documentary analysis;
- Interview data.

It is important to note that some of the identified barriers may be generic in nature and, as such, may be equally applicable to government delivery for adults as they are for children.

3.1 Commitment to children's rights

The level of commitment to children's rights emerged as a key issue of concern throughout the study. It is clear that the degree of consistency with which the issue of children's rights is, firstly, addressed, and secondly, put into practice, varies; not just between Government departments but between the various strategies, policies and action plans irrespective of the Department of origin.

In its 2008 Concluding Observations in respect of the UK, the Committee on the Rights of the Child expressed concern "that the Convention is not regularly used as a framework for the development of strategies throughout the State party and at the lack of an overarching policy to ensure the full realization of the principles, values and goals of the Convention." (CRC, 2008 at para 14). Concern at the lack of a children's rights based approach to the development of strategies, policies and action plans was a core feature of all of NICCY's consultation responses to the targeted areas without exception. Issues raised included concern at the absence of any reference to children's rights at all; failure of Government departments to engage with the cross-cutting principles of the CRC; failure of Government departments to engage with any or all relevant substantive children's rights standards; and the absence of an underlying child rights framework in the development of strategies, policies and action plans more generally.² In particular, NICCY has called upon the relevant Departments to incorporate the underlying principles of the CRC in respect of:

- Safeguarding Board proposals;
- Delivering the Bamford Vision;
- The Way Forward for Special Educational Needs;
- Speech and Language Therapy Action Plan;
- Every School a Good School;
- Play and Leisure Policy and Implementation Plan;
- Families Matter;
- Care Matters.

² Specific issues such as child rights impact assessment, training and budgeting will be discussed in later sections.

Moreover, in response to calls for comments on the second Children and Young Person's Action plan (2009), NICCY called for "The full incorporation of the United Nations Convention on the Rights of the Child into domestic legislation, to enable invocation of the Convention rights within national courts." while in response to the development of the recent Play and Leisure Implementation Plan (2011), NICCY called for a "strengthening [of] the rights basis of the Implementation Plan and referencing the United Nations Convention on the Rights of the Child (UNCRC), and the United Nations Committee on the Rights of the Child 2008 Concluding Observations, throughout the document."

Similar issues with respect to children's rights have been raised by NGOs in their consultation responses to the targeted strategies, policies and action plans. For example, Children in Northern Ireland has called for the guiding principles of the UNCRC to be integrated into the Play and Leisure Implementation Plan; and in its response to 'Delivering the Bamford Vision' consultation, called upon the Northern Ireland Executive to "seize the opportunity to integrate the principles and provisions of the UNCRC into legislation which will govern the provision of care, treatment and services for children and young people with a mental health difficulty or learning disability." (CiNI, 2008: 3).

An overview of the extent to which children's rights has been referenced in the targeted strategies, policies and action plans is set out in Table 2 below. Where a final document has not yet been issued, reference is made to the consultation document.

Strategy/Policy/Action Plan	Reference to children's rights
Delivering the Bamford Vision	No reference to UNCRC
Children and Young People's Strategy	<p>One of the Strategy's six high level outcomes is 'Living in a society which respect their rights'.</p> <p>Through the Strategy, the NI Executive has pledged: "We are committed to respecting and progressing the rights of children and young people in Northern Ireland and will be guided and informed by the UN Convention on the Rights of the Child. The strategy will be the key mechanism by which we will chart progress on this commitment."</p> <p>A pledge is also made that: "In accordance with the UN Convention on the Rights of the Child, we will be proactive in obtaining the views of children on matters of significance to them."</p> <p>The strategy also states at page 20 that "This approach accords with the spirit of Article 12 and is consistent with Article 3 of the United Nations Convention on the Rights of the Child, which encourages public institutions to make the best interests of children and young people a primary consideration in all actions affecting them."</p> <p>"We are committed to driving towards a culture which respects and progresses the rights of children and young people in Northern Ireland... While the standards are not legally enforceable in our courts, they will be used to inform and guide the implementation of the strategy." (page 22).</p>
Children and Young People's Action Plan 2008-2011	<p>Pg 18 "All children should be given the best possible start in life and their health should be of paramount importance. This is emphasised in the United Nations Convention on the Rights of the Child (UNCRC) article 6... All children have the right to life. Governments should ensure that children survive and develop healthily'."</p> <p>Pg 93 "We recognise the importance of the UNCRC and are committed to working towards the realisation of the rights detailed within it. We intend to carry out a further exercise focusing specifically on the UNCRC Concluding Observations. We will map these against the current actions in this plan to enable the identification of gaps and inform the development of further, targeted actions. OFMDFM officials will also work closely with officials from the other administrations in taking forward the concluding observations"</p>
Play and Leisure Policy	Page 4 of the Policy states: "In seeking to ensure full implementation of Article 31 of the Convention, we intend that this policy statement should contribute to creating an environment that respects and progresses the right of children and young people to play and underpins a strategy for providing for children and young people's play

	and leisure needs. “
Play and Leisure Implementation Plan	Page 6 of the Implementation Plan states “To realise the UNCRC (1989), in particular Article 31, this plan will contribute to creating a society that respects and progresses the right of all children and young people to access play and leisure.”
Early Years Draft Strategy	<p>The draft strategy states that “The challenges for the future are to place the development and well-being of children at the centre of the Executive’s policies, by implementing the recommendations of the UNCRC...” (p.7).</p> <p>Furthermore that: “It is based on the view that children’s best interests should be the starting point for the planning and delivery of services with families being consulted and involved in the planning of comprehensive services.”(p.9).</p> <p>Annex 3 assesses compliance of the strategy against the UNCRC articles deemed of most relevant to early years education and care. Specifically, articles 3, 5, 6, 12, 18, 19, 23, 29, 31.</p>
Every School a Good School	<p>The then Minister for Education, in the foreword stated that “<i>Every School a Good School</i> lies at the centre of my reform agenda and is consistent not only with Articles 28 and 29 of the United Nations Convention on the Rights of the Child but also complements the Ten Year Strategy for Children and Young People.” This did not appear in the initial consultation document.</p> <p>Page 31 of the strategy states “Within schools, we want to encourage positive engagement between school governors and school principals and the wider school staff. We also want to see more schools following the example set by many, involving pupils more directly in decisions on the running of the school. This is consistent with Article 12 of the UNCRC and the right of the young person to have their voice heard on issues that affect them.”</p>
The Way Forward for Special Educational Needs Draft Proposals	Page 40 of the consultation document states ““The current Code of Practice highlights the importance of children participating n all decisions about their education. This will continue to be an important element of the new approach. Schools and other bodies will be required to seek the views of the child and give due weight to those views according to the age, maturity and capability of the child in keeping with Articles 12 and 13 of the United Nations Convention on the Rights of the Child.”
Families Matter Strategy	The CRC is referenced as a key driver in Section One of the Strategy. Elsewhere Articles 3.18 and 20 are set out in appendix. This did not feature in the consultation document.
Speech, Language and Communication Therapy	There is no explicit reference to the CRC in the final Action Plan.

Action Plan	
Care Matters	<p>The Care Matters Strategy, as endorsed by the NI Executive, states that it will “continue to place the child at the centre of everything we do and uphold the principles of the UNCRC”</p> <p>Explicit reference is made to the following articles of the CRC: 2, 3, 6, 7, 8 9, 12, 20, 23, 24, 28 and 31.</p>
Safeguarding Board for Northern Ireland	<p>The original Safeguarding Board policy proposals issued for consultation in 2007 recognised at page 3 that: “The various elements of society’s role in keeping children safe are clearly articulated in the articles of the United Nations Convention on the Rights of the Child.¹ The Convention recognises the right of children to a family life and acknowledges the unique relationship between parents and their children. It also sets out clear responsibilities for governments in terms of supporting parents and families in their role of caring for children. Governments are also charged with ensuring that children are properly cared for, and protected from violence, abuse and/or neglect by their parents or anyone else who looks after them. Where this responsibility creates tensions between the state and families, the fundamental principle is that all actions should be taken in the best interests of the child. Every day in Northern Ireland, the Health and Personal Social Services (HPSS), in partnership with others, seek to manage these tensions and to safeguard the rights of children.”</p> <p>The Safeguarding Board Act (2011) does not reference the CRC.</p>

Table 2: References to children’s rights in targeted strategies, policies and action plans.

As can be seen, the majority of strategies/policies and action plans make some reference to children’s rights. It is important to note that the consultation documents for Families Matter and Every School a Good School did not contain any reference to children’s rights initially but that this was included in the final document following the consultation process. There are clearly examples of good practice, such as the assessment of compliance of the Early Years Draft Strategy with the CRC. However, there also remains room for improvement as, in this particular instance, Article 2 – the right to non-discrimination and a guiding principle of the CRC - is omitted from the assessment while compliance with Article 12 is only assessed in the consultation stage and not implementation stage of the strategy. This was highlighted by one NGO representative during interviews:

“We welcomed the intention and commitment to actually doing that but when you actually looked at that it was quite flawed. It depicted a lack of understanding of the CRC and its

application so the commitment was there and it was very welcomed but it was flawed....They failed to recognise the non discrimination principle and if you've any understanding of the CRC that's a fundamental part of it." (NGO representative 1)

Nonetheless there was also the view that this was indeed a form of progress since it was the first time such an exercise had been undertaken in strategy or policy development (NGO and statutory agency representatives) and as such was to be highly encouraged and built upon. There was also a view that Government was beginning to understand children's rights much better compared to ten or twelve years ago (Statutory agency representative 3).

The extent to which a children's rights based approach would be considered or applied to policy development was perceived as being very much down to the commitment of individuals within departments and/or ministerial views on children's rights (NGO, statutory agency and government representatives). The contested and political nature of 'rights' in Northern Ireland was a particular feature of interviews with all statutory and NGO representatives. For example, one statutory agency representative said:

"Sadly, the issue for us is that we have some people in that Government who don't believe adults should have rights and very often turn the debate to children versus parents' rights: so if you give children rights then that will affect the parents' rights. But it is a contentious issue; rights in general in Northern Ireland let alone children's rights so very often people tend not to use the word or they shy away from it." (Statutory agency representative 2)

The importance of implementing a children's rights based approach and the implications of such an approach in enhancing government delivery for children was emphasised by one MLA in particular:

"I would like to see more around the children's rights based framework because I think a children's rights framework, if it was common parlance in Government, we would start to see the delivery of a lot more for children and young people but we know that some parties are in favour of children's rights and some of them aren't." (MLA 1)

However it was also recognised that this was something that would inevitably require time and persistence, and recognition at ministerial level that commitment to children's rights was a matter of obligation rather than individual choice:

"I think while there are departmental officials who will want to go a long way, it's the political masters who are pulling them back a bit so I think it's just a case of plodding on and chipping away and impressing upon ministers their responsibilities and I think we'll get there eventually. We mightn't get everything we want but we'll get there eventually because this is a UN organisation that is holding Westminster to account on this and that always helps, especially with devolved institutions like ourselves." (MLA 1)

Conversely, there was concern at the *downgrading* of children's rights in some areas; for example in respect of the Ten Year Children and Young People's Strategy. While the Working Paper on the Emerging Strategy (October 2003) set the strategy as Northern Ireland's 'implementation plan for the Convention', the final strategy has replaced that approach with one that will instead help drive Northern Ireland *"towards a culture which respects and progresses the rights of the child."* (pg 13). In addition, NGOs have expressed further concern that the high level rights outcome – 'living in a society which respects children's rights' - stands as the only outcome within the framework for which there has been no scope provided for action planning and for which no indicators exist. All NGOs raised concern in interviews that children were in fact being *de-prioritised* at government level, not least given the restructuring within OFMDFM which led to the disbanding of the Children and Young People's Unit.

"I would be very gravely concerned about how Government is delivering for children and young people. Our view over this last twelve if not eighteen months is that children and young people are being de-prioritised, they are falling further and further down the political agenda and any of the momentum that was created in the first Executive of putting children first..., the commitment to the development of the Ten Year Strategy, all that momentum has just fallen to the wayside and children and young people's issues are being pushed further and further down the political agenda. We would be very clearly saying they are not effectively delivering for children and young people." (NGO representative 1).

“We are the only jurisdiction that we have identified that has dismantled the central coordinating body for children and young people.” (NGO representative 3)

“Another barrier is the fact that we have junior ministers when we should have full ministers.” (NGO representative 3)

This is in spite of the concern expressed by the Committee on the Rights of the Child in its 2008 Concluding Observations to the UK at the lack of a body mandated to coordinate and evaluate a comprehensive and effective implementation of the Convention throughout the State party, including at local level, and its previous 2002 recommendation that that the State party assign coordination of the implementation of the Convention throughout the State party, including to the devolved administrations, to a highly visible and easily identifiable permanent body with an adequate mandate and sufficient resources.

NGOs asserted that a significant step forward in enhancing government delivery for children would be if the CRC were to be incorporated into domestic legislation, thus allowing for legal challenge. One NGO representative suggested that there was a need for NICCY to develop a guide specifically for Government officials on how to best implement policy from a children’s rights perspective. Comparisons were also made with current practice in Wales as a result of the impending *Rights of Children and Young Persons (Wales) Measure 2011* which will place a duty on Welsh Ministers to have due regard to the CRC when exercising their functions, including when making decisions about the formulation, review or change of policies, or about proposed legislation. As such, the Welsh Assembly was perceived as being “much further on of having a better understanding of the UNCRC and children’s rights being more centre-pieced” (NGO representative 3).

The role of Departmental Children’s Champions; a product of the Ten Year Children and Young People’s Strategy,³ was viewed as an important one in identifying commitment to children’s rights. For example, the Department for Agriculture and Rural Development (DARD) had

³ Each department has identified a ‘Champion for Children and Young People’ to liaise with, inform and advise the Ministerial Sub-Committee on Children and Young People to help drive forward agreed policy. The ‘Champions’ also raise awareness at Departmental Board level to encourage departments to ensure children’s and young people’s interests are fostered and their views sought on policy and strategy issues.

developed, on its own initiative, a dedicated children and young people's action plan, which, whilst not perfect, was unique in that it was the only Department to proactively do so. NGOs welcomed the Children's Champions and recognised that this was something that had been taken on by individuals in addition to an already busy role. However, the effectiveness of engagement with Children's Champions was very much down to relationships with the individual champion with some engagement being more positive than others:

"It'll depend on the Children's Champion. Some are very keen and take on their responsibility and you can see the difference that's been made. Others we are still working with to try and get them to engage but it's a work in progress and it's not one you give up on." (Statutory agency representative 2)

The usefulness of this role was also highlighted by Children's Champions themselves, albeit for different reasons. One Children's Champion who was interviewed stated that:

"I think it's useful to have a contact in all the other departments who I know is the Children's Champion and I can lift the phone to. I think it's been very slow to get off the ground as a meaningful engagement. I think it was intended to make sure that internally there would be someone championing children's issues in each department and I'm not sure that it's been that significant in that regard. I think what it has been good at is creating a network of people across departments who have a common shared interest in children" (Government representative 4).

One MLA suggested that the role of Children's Champions was not currently being maximised and that they had a crucial role to play with Assembly Committees during policy scrutiny processes:

"When we're working in committees and we're working our way through pieces of legislation we'd like to be reminded. It's very easy to get caught up in what you're doing but if you have Children's Champions within departments they should be appearing at the same time that we're doing policy scrutiny." (MLA 1)

3.2 Training and awareness

Linked to this are levels of training and awareness on children's rights across government departments. Awareness levels clearly varied across individuals with those who acted as Children's Champions in their department or who were more actively engaged in the outworking of the Children and Young People's Strategy demonstrating higher levels of substantive awareness on the UNCRC.

While civil servants are required to attend mandatory training on human rights and diversity, not all government representatives in this study had received training on children's rights or were required to, and there was no specific internal training course on children's rights of which civil servants could avail. However there were pockets of good practice with all Children's Champions having received training from NICCY on the CRC. One government representative spoke of undergoing 'on the job training' which included reading children's rights-related documents such as the text of the CRC and associated documents. Following the Committee on the Rights of the Child's 2008 Concluding Observations to the UK, the Children and Young People's Unit produced a two page leaflet outlining the relevance of the CRC and Concluding Observations for Government Departments which was sent out to all Deputy Principals and Principals in the Civil Service. While there was no specific feedback on this exercise, some people had requested further copies to disseminate to colleagues in departments.

One Government representative, also a Departmental Children's Champion, sought to keep the CRC centre stage where appropriate:

"[R]ights certainly play a part in how we develop policy. They also play a part in where we're representing children's interests in the departments. Recently there have been a lot of discussions about how we will implement a very difficult budget settlement and one of the things I will say in discussions with my colleagues at the departmental board is if we cut funding for that service that will have a negative impact for children and we'll quote the UNCRC."
(Government department representative 4).

A particularly proactive approach to children's rights awareness was adopted by one government agency in particular to assist in the implementation of particular strategies and

policies:

“Five years ago we started training our planning groups on children’s rights to help them see that they had to bear in mind children’s rights as well as children’s needs when they were planning services. So you have to start with training and awareness-raising... I think there’s been a shift but I think it’s only the beginning. I think when it comes to devising strategies and policies, there’s still a long way to go.” (Statutory agency representative 3)

Despite the significance attached to awareness-raising among individuals in senior positions, the realisation of this was felt to be compounded by an already heavy workload and time constraints upon such individuals. Any training or awareness-raising therefore had to be done quickly. However, a subsequent dilemma arose since “taking a children’s rights approach means you have to shift your way of thinking and that takes time so that’s a contradiction” (Statutory agency representative 3).

3.3 Delays in development and implementation of key strategies, policies and action plans

It is evident from the chronology of the development, implementation and current status of the targeted strategies, policies and action plans that there are instances of significant time lags between the issue of consultation documents to the issue of the final document and subsequent plans for action and implementation. In particular there has been concern at the length of time taken from the identified need for a strategy, policy or action plan and its final approval. For example, a Task Force on Speech and Language Therapy (SLT) was established by the Minister for Health in 2006 in response to NICCY’s 2005 and 2006 reviews of SLT provision. However, a speech, language and communication therapy action plan was not completed and approved until March 2011.

In other instances, existing action plans have become outdated with new updated action plans yet to be produced. For example, action plans associated with Delivering the Bamford Vision, Families Matter and the Children and Young People’s Strategy are all due to end in 2011, however there has been no evidence of new action plans being developed at the time of writing to cover the next time period. In the case of Care Matters, it was indicated during the

consultation process that an action plan would be produced 'as soon as possible' following issue of the final Care Matters Strategy; however this has not yet been produced despite endorsement of the draft Care Matters Strategy by the NI Executive in September 2009. It is also important to note that the Care Matters Strategy was not redrafted following the consultation process; rather it was endorsed in its draft pre-consultation form. Moreover, in the case of Families Matter, Delivering the Bamford Vision and Every School a Good School, the resultant action plans did not form part of the consultation process leading to concern among responding consultees of the extent to which they were able to input meaningfully into the development of the appropriate policy or strategy.

The second Children and Young People's action plan, covering the period 2008-2011 included a number of time-bound actions as a means of contributing to the achievement of the Ten Year Strategy's high level outcomes. However, many actions set out therein have not been achieved within the designated timescales or have not been met at all. For example, the consultation process for the Food in Schools Policy was, according to this action plan, due to end in 2008 and the policy published by September 2008; however the consultation document was not issued until September 2009, with the final policy yet to be issued. The Early Years Strategy is designated as due to be subject to consultation in spring 2009 and published by Autumn 2009; however the consultation was not launched until the end of June 2010 and the closing date for responses subsequently extended until 31 January 2011. Moreover, whilst a taskforce on traveller education has been established as per the action plan, an action plan on traveller education which was due for publication by 31 December 2009 has not yet been produced at the time of writing.

Some action plans have been issued in the midst of the timescale that they have been intended to cover. The Families Matter action plan for example is due to cover the period 2009-2011, yet this was not produced until March 2010 with the result that many of the designated actions and associated timeframes had already passed. In such instances it is not clear whether the designated actions had already been achieved prior to issue of the final document. One exception to this overlap in timescales is the Speech, Language and Communication Therapy Action Plan wherein the timeframes attached to specific actions as per the consultation document have been revised and pushed back in line with the action plan's start date of 1 April

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2011. A detailed overview of the chronology for each strategy, policy and action plan is set out in Table 3 below.

Strategy/Policy/Action Plan	Issued for consultation	Consultation closed	Final document issued	Notes
Delivering the Bamford Vision	June 2008	October 2008	October 2009	<p>In October 2002, the Department of Health Social Services and Public Safety (DHSSPS) initiated a wide-ranging, independent review of the law, policy and service provision affecting people with a mental health problem or a learning disability – now referred to as the Bamford Review. The Review followed similar exercises in England and Scotland.</p> <p>The need to update the current mental health legislation was a primary driver for establishing the Bamford review. The review produced a series of 10 reports between June 2005 and August 2007, which together represent a composite vision for the reform and modernisation of mental health and learning disability law, policy and services.</p> <p>Delivering the Bamford Vision –government’s response to the Bamford Review reports- was published in June 2008. The final document was accompanied by an Action Plan which was published in 8 October 2009 to cover the period 2009-2011. The action plan was not issued for consultation alongside the Executive response.</p> <p>No action plan has yet been produced covering next period at the time of writing.</p>
Children and Young People’s Strategy	November 2004	February 2005	June 2006	<p>In January 2001 the former Northern Ireland Executive indicated that it would put in place a long-term strategy for children and young people. Work on the formulation of the strategy began in 2002. In October 2003, Government published its working paper on the Emerging Strategy which became ‘R Wrld 2’ and set the strategy as its ‘implementation plan for the Convention’. A wide range of stakeholders were involved in the development of the strategy, including children and young people. Formal public consultation</p>

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				<p>on a draft strategy took place between November 2004 and February 2005.</p> <p>The final version of the strategy was launched on 20 June 2006.</p> <p>Northern Ireland's first Minister for Children and Young People, Lord Rooker, was appointed in August 2005. Maria Eagle took over the role following her appointment to the NIO Ministerial team in May 2006. Following restoration of devolution in May 2007, responsibilities for children's issues were accorded to the junior ministerial portfolio.</p> <p>A one year Action Plan covering 2007-2008 was produced. A progress report on this was produced in 2008.</p> <p>The current children and young people's strategy action plan covers the period 2008 – 2011, however half the time period covered by this action plan had passed before it was finally approved in mid 2009.</p> <p>A new action plan has not yet been developed at the time of writing.</p>
Play and Leisure Policy	October 2006	January 2007	February 2009	<p>In 2005, an interdepartmental group was established to look at issues relating to play and the need for a play strategy following lobbying from children's sector organizations and NICCY.</p>
Play and Leisure Implementation Plan	December 2010	February 2011	March 2011	<p>In November 2006 the Children and Young People's Unit, OFMDFM, published a Play Policy for Northern Ireland for consultation in the context of the wider children and young people's strategy. Following the publication of the Play and Leisure Policy for Northern Ireland, OFMDFM established an Implementation Group to take forward the development of the implementation plans.</p>

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<p>Early Years Strategy</p>	<p>June 2010</p>	<p>The consultation period was due to end 30 November 2010 but was extended until 31 January 2011.</p>	<p>Final strategy awaited.</p>	<p>In April 2006, the Minister with responsibility for education in Northern Ireland, Maria Eagle, highlighted the intention to develop a coherent policy for 0-6 which “improves co-ordination and delivery of integrated services to our youngest citizens.” (Strategic Plan for Education, 2006: p.10) Policy responsibility for early years (0-4), including Sure Start transferred from DHSSPS to DE from November 2006. This was intended to complement the Department of Education’s existing responsibility for the Pre-School Expansion Programme and for nursery schools and nursery unit provision. The transfer of responsibility signalled the intention to promote a more integrated approach to policy and service delivery for children.</p> <p>The Department of Education formed an Inter-Departmental Project Board in 2007, comprising of representatives from all government departments with an interest in early years to take forward work on an Early Years Strategy. In addition, a Regional Reference Group (RRG) assisted in obtaining stakeholder advice and guidance.</p> <p>In June 2008, the Ministerial Sub-Committee on Children and Young People highlighted the development of a comprehensive Early Years Strategy as one of its key priorities, noting it would focus on developing ‘a comprehensive early years strategy that focuses on the development and well-being of each child, including affordable access to high quality early years provision for families living in areas of disadvantage and poverty in urban and rural areas’.</p>
<p>Every School a Good School</p>	<p>January 2008</p>	<p>March 2008</p>	<p>April 2009</p>	<p>The Department undertook a review of the previous school improvement policy and issued the findings of this review and proposals for the way forward for public consultation in January 2008.</p> <p>The first Children and Young People’s Strategy action</p>

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				<p>plan had cited timescale for implementation of this policy as September 2007. The final document was produced in April 2009 accompanied by an implementation plan; however the implementation plan was not issued for consultation alongside the policy document.</p> <p>An annual progress report on the implementation plan was published in June 2010. It is clear that not all the objectives/timescales were being met and that the outworking of the policy is being complicated by the delays in the establishment of the Education and Skills Authority.</p>
The Way Forward for Special Educational Needs	August 2009	Due to close 31 October 2009 but was extended to 31 January 2010.	Final proposals awaited at the time of writing.	<p>The Department of Education commenced a review of special educational needs (SEN) and inclusion in April 2006 to address the bureaucracy attached to the existing SEN framework, the increase in the number of children with SEN with or without a statement, and the inconsistencies and delays in assessment and provision.</p> <p>A Review of SEN and Inclusion Team was established and a Steering Group set in place to guide and direct the Review and make recommendations to the DE Board. In addition, three advisory groups were established consisting of key stakeholders from all sectors in education, focusing on: Identification, Assessment, Provision and Support Processes; Early Identification and Pre-school SEN Provision; and Inclusion and Capacity Building.</p> <p>The consultation document set out the Department's policy proposals which have emerged from that review</p>
Families Matter	January 2007	March 2007	March 2009	Both NGOs and NICCY had expressed criticism about the lack of strategic approach in offering support to

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<p>Strategy</p>				<p>families and children at policy and resource level since 2004.</p> <p>The DHSSPS issued proposals for a Regional Family and Parenting Strategy for consultation in January 2007.</p> <p>An action plan covering the period 2009-2011 was not issued until March 2010.</p>
<p>Speech, Language and Communication Therapy Action Plan</p>	<p>September 2010</p>	<p>November 2010</p>	<p>March 2011</p>	<p>In response to the widespread concern about the inadequacy of speech and language therapy (SLT) and the significant number of cases (18 between November 2003 and October 2004) received by its legal and casework team, NICCY decided to conduct research in the area and a steering group was set up to help address the relevant issues.</p> <p>NICCY's first review on speech and language therapy was published in March 2005 and made 6 recommendations, most notably that the Ministers for Health and Education should set up a Regional Task Force in order to identify, agree and implement an action plan. A follow up review was published in March 2006 in which NICCY expressed disappointment at the lack of action taken and repeated its recommendation to establish a Task Force to review SLT provision.</p> <p>A Task force on Speech and Language Therapy was established by the Health Minister in Sept 2006.</p> <p>The Task force report was produced in July 2008. A multi agency SLT action plan project team was established in July 2009 to develop and agree a Speech, Language and Communication Therapy action plan, taking account of the recommendations made in the Task Force Report. Proposals were issued for consultation in September 2010.</p>

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<p>Care Matters</p>	<p>March 2007</p>	<p>Responses initially due 15 June 2007, but extended to 3 September 2007 to allow more children and young people to respond</p>	<p>Draft Care Matters was endorsed by NI Executive in Sept 2009 but no 'final' document produced.</p>	<p>Care Matters NI builds on the Department for Education and Schools (DfES) green paper Care Matters, which sets out policies to ensure earlier interventions and support for families where children are on the edge of care.</p> <p>The Department of Health, Social Services and Public Safety began work on Care Matters NI, following the publication of the Care Matters Green Paper in 2006. Following consultation with other Departments and the voluntary sector, Care Matters NI was produced, taking account of the particular circumstances and needs of care experienced young people in Northern Ireland.</p> <p>Care Matters NI also builds upon the outcome of the Child Protection Inspection Report which was launched in January 2007.</p> <p>A Care Matters NI action plan was due to be produced 'as soon as possible', however this has not yet been issued at the time of writing.</p>
<p>Safeguarding Board for Northern Ireland</p>	<p>January 2007</p>	<p>February 2007</p>	<p>The Safeguarding Board Bill received royal assent on 10 February 2011.</p> <p>Drafting of subordinate legislation (regulations) has commenced and details are currently awaited. The formal legislative process has been planned for May to September 2011 but this will</p>	<p>In October 2002, a Private Member's Bill, designed to place Area Child Protection Committees on a statutory footing, was due to have its first reading. However, this was overtaken by the suspension of the Northern Ireland Assembly at this time.</p> <p>On 20 March 2006, the then Secretary of State announced a range of measures designed to strengthen child protection arrangements in Northern Ireland. Among these was a proposal to improve interagency co-operation on child protection through the establishment of a regional Safeguarding Board for Northern Ireland. In addition, it was proposed that the new Safeguarding Board would be established on a statutory basis.</p>

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			depend on the new Assembly.	The first proposals were issued for consultation by the DHSSPS in 2007. Following consultation, revised proposals were issued and subject to scrutiny by HSSPS Assembly Committee in 2010. The Safeguarding Board Bill was also issued for comment in September 2010 with the Bill receiving Royal Assent in February 2011. However details are still awaited on secondary legislation which will have to be taken forward by the new Assembly.
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Table 3: Chronology of targeted strategies, policies and action plans.

The implications of such delays and prolonged development stages were highlighted in interviews with NGOs and statutory agencies:

“I mean the delays as well under the Early Years Strategy, around the Child Care Strategy, around child poverty; they’re all concrete examples of where policies are being delayed time and time again.” (NGO representative 1)

“[There are] a lot of delays where strategies are being developed. You can have an input at one stage and then it goes quiet for maybe a couple of years and then it’ll look totally different and it does sort of create a lot of mistrust of government departments.” (Statutory agency representative 1)

NGOs and statutory agencies suggested that one reason for such delays was due to high levels of staff turnover and the subsequent loss of expertise that had been previously taken time to build up:

“Somebody has maybe taken a strategy so far and done a lot of work on it and leaves, like the Early Years Strategy.... Someone was seconded into the department to develop the Early Years Strategy and had produced a draft but then had gone back out of the department again after the secondment was completed and somebody else came in and it was all rewritten. So I don’t know if departments reprioritise all the time but somebody could be working on something and then it goes quiet and I’ve no idea why it goes quiet for a year or two.” (Statutory agency representative 1)

NGO representatives highlighted the stop/start nature of the NI Executive and subsequent backlog in gaining approval of policy proposals relating to children and young people. This was also emphasised by Government representatives who put the reason for the delays down to the complex and immature nature of the current Northern Ireland political system and the need for cross-departmental agreement:

“The number of departments, the fragmentation of delivery, the number of local authorities, the large number of MLAs and the fact that our Executive is not a single party or not even two parties in coalition. It can be difficult to get agreement and it can take a very long time. It can

delay implementing new policies. We've seen the impact on structures, it's held up reducing the number of local authorities so I think because the political structures here are still very much in their infancy it will take quite a few years to work through that." (Government department representative 2)

"I think the elephant in the room would firstly be politics. There have been major pieces of legislation since restoration of devolution in Northern Ireland. There have been major pieces of legislation that have got so far but no further." (Government department representative 1)

An example was given by a government representative of the complexity of the Northern Ireland education system which made consistency of practice difficult to achieve and monitor, such that different procedures in different Education and Library Board areas led to different educational experiences for children across Northern Ireland. In addition, policies which have implications for teaching, whether directly or indirectly have to be agreed with the teaching union and, as there are several different teaching unions, this could also exacerbate any existing delays. Government representatives thus expressed a desire for a more simplified system of government that would make the outworkings of policies and strategies less complicated while NGOs hoped that with the next mandate, the Assembly would become more mature and transparent in its approach.

3.4 Translating strategic visions into specific and measurable outcomes

Particular difficulties were associated with the design and development of strategies, policies and action plans themselves and the subsequent capacity for strategic visions to be translated into positive outcomes for children. Approaches to policy and strategy development took on a consistent approach across departments with the onus for policy or strategy development emerging from an identified need or gap and associated research evidence and/or lobbying from community and voluntary sector organisations. The need for policy development could also result from ministerial direction. One interviewee exemplified such an approach:

"The impetus or origin of policy always comes from the minister and that would involve a special advisor, that's very typical. It is my role then to develop the policy impetus of the minister,

probably coming up with a set of options that would deliver the policy desire of the minister. And possibly extending then to recommending and balancing the pros and cons and recommending which one on balance I thought was the one to pursue.” (Government department representative 1)

All government department representatives referred, during the course of the interviews, to OFMDFM’s ‘Guide to Policymaking’ (also referred to as ‘the purple book’) which sets out the key stages for strategy or policy development. As such, this guide was used by all departments in developing a policy or strategy. Under Section 75 of the Northern Ireland Act (1998), government departments have a duty to consult with those likely to be affected by a policy or strategy during the policy-making process. However, concern was expressed by NGOs at the limited extent to which consultation on key policies, strategies and action plans could be utilised as an effective vehicle for effecting change in either the substantive content or overall direction of these documents. Indeed, the early stages of policy development and *pre-consultation* stages were identified by government representatives as the most crucial stage by which policy options were shaped and where changes to a policy or strategy could be achieved. The importance of engagement with policy-makers at the early stages of policy development was also highlighted by NGO representatives. For example, the Care Matters Strategy was identified as a positive example whereby policymakers engaged with children’s sector organisations and young people in the early stages of policy development with their respective views and suggestions reflected in the consultation document (NGO representative).

Indeed, there is limited evidence that advice submitted to government during the formal consultation process to the targeted policies, strategies and action plans has significantly impacted on the final outputs. The general feeling among statutory agencies and NGOs is that such input, has had little impact to the extent that interviewees expressed concern that they ‘seemed to be saying the same things again and again’ across consultations (Statutory agency representative). There are instances of small, but important changes in respect of some of the targeted strategies, policies and action plans. For example, as highlighted earlier, the consultation documents for Families Matter and Every School a Good School did not initially contain any reference to children’s rights but that this was included in the final document following the consultation process. The recently approved Speech, Language and Communication Action Plan contains three new objectives around: the provision of

communication aids for children and young people; seeking the written consent of the child/young person as well as the parent; and the revision of guidance on 'Promoting Collaborative Working to Support Children with Special Needs.'⁴

There is no set process for analysing responses to the formal consultation process. Government department representatives did not 'weight' responses but rather all views were 'considered carefully' and in accordance with policy objectives. The ability of policymakers to take consultation responses on board could, however, be constrained by the views of the relevant Minister (Government department representatives). One interviewee summed up this difficulty:

"[C]onsultation responses are always considered but ultimately the determinant of the policy is ministerial will. Sometimes we will get consultation responses from people which are clearly in disagreement with what the minister wants the policy to be and the nature of Government is that the minister directs policy. But certainly any consultation response from NICCY would be listened to carefully and if we were going in a policy direction that departed from a consultation response from NICCY then I would normally bring that to the fore in any submission to a minister." (Government department representative 4)

While interviewees referred to paying particular attention to 'key organisations' working in a particular area, a somewhat quantitative approach to the analysis of consultation responses appeared to be the norm across departments with greater emphasis placed on 'the general response that is coming out' and as a means of identifying priority issues (Government department representatives).

It would appear that most significant impact from NICCY, with respect to the specific policies, strategies and action plans targeted for this study, has resulted not from formal consultation processes, but from: (i) research evidence as in the case of NICCY's 2005 and 2006 Reviews of Speech and Language Therapy Provision which led directly to the establishment of a Task Force on Speech and Language Therapy and the subsequent Speech, Language and Communication Therapy Action plan; and (ii) engagement with the Northern Ireland Assembly Committee in the legislative scrutiny process as in the case of the Safeguarding Board Bill. In

⁴ Objectives A13, C6 and D9.

the respect of the latter, calls from NICCY and NGOs for the strengthening of particular aspects of the Safeguarding Board Bill led directly to two amendments of the Safeguarding Board Bill.⁵

References were made throughout the interviews to the need to end the ongoing ‘policy churn’ and short termism of government strategies, and for greater creativity in policy and strategy development (NGO and statutory agency representatives). Concern was expressed that too much time was spent in developing new policies rather than implementing existing ones more effectively. As interviewees articulated:

“I think that we have plenty of policies and procedures but the issue is about implementing them and about communication.” (Statutory agency representative 2)

“I think there’s too much talk about defining strategies but what is actually going to be done?” (MLA 2)

Some strategies were viewed as being too aspirational and lacking in the necessary ‘teeth’ that would enable effective delivery for children. As such there was a perceived need to enhance relationships between those who develop strategies, policies and action plans, and those who implement these:

“Our strategies are utopian visions, this is the way we would like things to be that’s what our strategies say. But our strategies don’t say in one year we will spend £50 million in order to solve this.” (Government department representative 3)

⁵ Under Functions of the Safeguarding Board 3(7) stipulated that “The Safeguarding Board **must take reasonable steps** to promote communication between the Board and children and young persons” The amended version states at 3(7) that “The Safeguarding Board **must promote** communication between the Board and children and young persons” In the same section under 3(9)(c), the Bill in its original form stated that ‘The Safeguarding Board may ... **subject to the approval of the Department**, publish any matter concerning safeguarding and promoting the welfare of children” In the amended version, section 3(9)(c) now reads ‘The Safeguarding Board may... subject to **consultation** with the Department, publish any matter concerning safeguarding and promoting the welfare of children”.

There was a growing recognition among both NGOs and government departments that NGOs 'needed to be smarter' in terms of how to engage with Government and that those lobbying for change needed to make their demands easier for government to understand. For example, that:

"We need to give it in very clear language, we need to be saying you need to do X, Y and Z and it will cost you this, this and this and we'll save you this, this and this therefore do it." (NGO representative 4)

Both NICCY and NGOs have highlighted the 'cut and paste' nature of strategy documents and action plans in their consultation responses. For example, Delivering the Bamford Vision Action Plan and the Children and Young People's Action Plans include a number of actions which relate to ongoing work by Departments and which had been developed independently of the targeted strategies, rather than new actions designed to tie in specifically with the strategy in question. This has led to concerns that outcomes have not been and cannot be met through attempts to make existing work 'fit' into and contribute to the delivery of new strategies, policies and action plans. This issue was also consistently raised throughout interviews with NGO and statutory agency representatives. For example:

"The Children and Young People's Strategy has failed spectacularly, I think it's been a disaster because there's no added value. All that is, is every government department cutting and pasting their own work. Nothing is new. It hasn't made any difference to children and young people. That was years in the planning, we did a lot of work for that. There was tears and heartache and I think it was a complete waste of time and money because when you look at it and particularly when you look at the Action Plan it's a complete cut and paste.... it's a lot of lovely words. I have no confidence it can deliver on any of it... We see more and more of that, lots of lovely talk." (NGO representative 2)

An examination of the targeted strategies, policies and action plans reveal inconsistencies in their approaches. It is not always clear how particular strategies or policies are to be implemented, how implementation structures will work in practice or indeed how implementation is to be monitored and progress evaluated. There are inconsistencies both within and between strategies on the degree to which targets are clearly identified and time bound and it is not always clear how actions flow from and/or contribute to overall strategic objectives. The lack of

time bound targets and detailed actions in strategy and policy documents was perceived to make meaningful consultation problematic, particularly when associated action plans were not issued for consultation in parallel with the strategic vision. Moreover, there was concern in consultation responses at missed opportunities resulting from a failure to link various strategies with each other, as appropriate, as a means of maximising impact and outcomes for children. Such an individualised approach to children's issues could potentially result in a fragmented approach to policy development and implementation,

3.5 Coordination and Joined-up Government

The Committee on the Rights of the Child has emphasised the importance of visible cross-sectoral coordination to recognise and realise children's rights across Government, including between different levels of government (GC No.5: 11). The issue of coordination and 'joined up working' across government departments emerged as a crucial theme throughout the study; both in the analysis of consultation responses by NICCY and children's sector organisations and in interviews with NGOs, statutory agencies, government representatives and MLAs. While there was some evidence of good practice of collaboration at intra-agency level through the work of Children's Services Planning, this was not always replicated at central government level. For the majority of interviewees, the problems associated with joined up working at central government level were viewed as the main barrier to effective government delivery for children.

As the first overarching and cross-departmental attempt to meeting the rights and needs of all children and young people in Northern Ireland, the Ten Year Children and Young People's Strategy brought with it high expectations of a much needed joined up and coordinated approach to government delivery for children. Such expectations have, however, been replaced with profound disappointment. Concerns expressed by NICCY and NGOs, during the call for comments on the Strategy's 2008-2011 action plan, at the 'silo' mentality of some individual government departments and at the inability of the Children and Young People's Unit to compel other departments to undertake specific actions under the Ten Year Strategy, have not been addressed. Indeed the latter concern has been exacerbated by the disbanding of the Children and Young People's Unit and restructuring of OFMDFM. As such, there is anxiety that the Ten

Year Strategy has become something of a ‘dust-gatherer’ in the absence of effective and/or compulsory collaboration (NGO representatives).

Disappointment was also expressed at the limited effectiveness of the Ministerial Sub-Committee on Children and Young People to date. The role of the Ministerial Sub-Committee on Children and Young People in driving forward the implementation of the Ten Year Strategy with a particular focus on achieving greater integration of policy, funding and service delivery is to be undoubtedly welcomed. Yet the limited extent to which these aims have been practically achieved is a source of concern:

“I had high hopes for the ministerial subcommittee and I remember the comment from one junior minister when he said ‘this is us, we’ll get the rest of the departments around the table and we’ll hold their feet to the fire’. It hasn’t happened and I would have expected to see an awful lot more results coming from the ministerial subcommittee because they have every department round the table, the Children’s Champions from every department around the table but yet I think they’ve only met two or three times in the last year.” (MLA 1)

The regularity with which the Ministerial Sub-Committee meets appeared to be somewhat dependent upon the work of the six cross-departmental sub groups, set up to take forward work on each of the priorities and reporting back to the full Ministerial Sub-Committee as appropriate:

“[The Ministerial Sub-Committee] generally meets every six months but it depends on ministers’ diaries. The sub groups meet every quarter to do their own work and a lot of their stuff is then brought back to the ministerial committee for agreement. So if there’s no decision that needs to be taken and there’s no new area of work or issues that need to be formally discussed that can’t be done through the sub-groups, there’s no need to have a meeting.” (Government department representative 5)

That joined up working between departments was perceived to be based primarily upon goodwill and the prior existence of good working relationships between individuals in respective departments was viewed as a particular issue resulting in inconsistency of practice across the Ten Year Strategy areas (NGO and Statutory Agency representatives). The importance of

joined up working and its inherent difficulties were also identified by government representatives; not least knowing who to approach in respective departments – something which was made all the more difficult in the context of ongoing departmental restructuring and reorganisation. The practical difficulties in coordinating policy agendas across government departments were highlighted by one government representative in particular:

“I’ve no difficulty developing policy in my department; I can do that without any great problem. But children’s lives obviously don’t fall into the categories of Government departments and it’s a lot more difficult to draw a policy with [other departments]... I can set a policy agenda in terms of our input but I can’t set a policy agenda for other departments and yet clearly to improve outcomes from children, you need to have a policy agenda which is joined up across departments.” (Government department representative 4)

The problems associated with joined-up working are not ameliorated by very diverse ministerial portfolios from across the political spectrum. As one NGO representative put it: “They guard their own portfolio very closely and aren’t willing to go outside of that in terms of sharing resources or joined up policy agendas.” The lack of joined up working and the fragmented approach to strategy and policy development has also been highlighted as a key failure of the draft Early Years Strategy, raised consistently in consultation responses to the Department of Education by both NICCY and NGOs. There is concern that the draft strategy fails to address the divide between early years education and child care, with little or no consideration given to how the Executive might collaborate, and co-operate to integrate these agendas to promote the rights and best interests of young children and their families. While ‘strong partnerships and relationships’ are identified as key success factors in the delivery of the draft Early Years Strategy, there is concern that the draft Strategy has failed to address in any detail how such partnerships will operate and what form they will take. Similar concerns have been expressed in respect of the Play and Leisure policy and implementation plan and the draft Special Educational Needs proposals and wherein respective responsibility for the successful delivery of policy objectives is dependent upon effective and sustained collaborative working across departments.

For the majority of interviewees, the only effective solution to these ongoing issues lies in an urgent need for the establishment of a statutory duty to cooperate. As Children in Northern Ireland observed in their response to the second Children and Young People's Action Plan:

'We believe that a statutory duty to co-operate and work together to promote and safeguard children's rights would bring the required level of transparency and accountability to the delivery of the Strategy which is currently absent. The statutory duty must transcend all levels and layers of government functioning,... it must be implemented at the top and underpin the operation of the Ministerial Sub-Committee on Children and Young People and it must flow through the Regional Strategy Planning and Review Group and its Regional Action Plan and into Local Strategy Planning and Review mechanisms and Local Area Action Plans.' (CiNI 2008: p.7)

NGOs and statutory agency representatives viewed NICCY as having a key role to play in advocating for a statutory duty to cooperate and calling for more effective approaches to joined-up working. Calls for the establishment of a statutory duty to cooperate have been variously highlighted by NICCY and NGOs in response to the following consultations:

- Care Matters (2007);
- Families Matter (2007);
- Children and Young People's Action Plan (2008);
- Delivering the Bamford Vision (2008);
- The Way Forward for Special Educational Needs (2009);
- Early Years Strategy (2010).

Representations and detailed proposals submitted to Government on this issue have not succeeded despite the precedent set for such an approach under the Children Act 2004 in England which places a requirement on local children's services agencies to co-operate to promote the well-being of children and young people. The recent establishment of the Children and Young People's Strategic Partnership, which brings together a range of statutory, community and voluntary agencies at high level to oversee the development of a Children and Young People's Plan for Northern Ireland, has been much welcomed and it is hoped that this will lead to better integrated planning across agencies and ultimately to improved outcomes

under the Ten Year Strategy. However, while a statutory duty to *lead* the Partnership has been placed upon the Health and Social Care Board, there is no statutory duty upon participating agencies to develop a plan collectively. As such it remains to be seen how effectively this partnership will operate in practice. A further example of positive practice can be found in the legislative proposals for the establishment of a Safeguarding Board for Northern Ireland. The Safeguarding Board Act (Northern Ireland) 2011, which aims to strengthen child protection arrangements in Northern Ireland, places a statutory duty to cooperate on the Board and its committees and sub-committees. However, the legislation does not place a corresponding duty upon government departments to work collaboratively in relation to safeguarding.

One government representative did, however, suggest a different approach to achieving greater cooperation between departments, and wherein more effective gathering of data would assist departments in identifying key gaps and failures with respect to the high level outcomes set out in the Ten Year Strategy:

“One thing that would over time be helpful is the measurement of departments’ performances against high level outcomes. We do have the OFMDFM [Ten Year Children and Young People’s] strategy which has the six high level outcomes and every department has to submit returns to it demonstrating how it’s contributing to those outcomes. I think currently a lot of the returns are not that meaningful but I believe that over time that kind of high level outcomes that measure departments’ performance could promote joined up working and could lead to barriers being broken down...I just think the system is very young, it’s only been in operation for a few years. I don’t think we’ve got a sophisticated indicator set against those six high level outcomes but once you get to that point that could improve things at a Governmental level. I also think good indicators could promote joined up working at a more local level....I think if you could start providing performance data for how children were doing to all of those people that could be something that could promote joined up working.” (Government department representative 4)

It was thus clear from interviews that there was a perceived need for much more effective coordination and collaboration between different levels of government with particular emphasis on collaboration between government departments.

3.6 Resourcing of Strategies, Policies and Action Plans

The issue of joined up working across government is exacerbated by funding structures which do not encourage or facilitate opportunities for pooled funding for cross-cutting children's issues. Thus, individual departments are responsible for determining expenditure on particular aspects of children's issues in accordance with departmental priorities, leading to a situation where elements of particular strategies may be resourced by some departments but not others. For example, the Care Matters strategy requires action by a number of departments and agencies. However one department highlighted during interview that implementation of this strategy on the ground was made difficult as they were only able to implement and resource those actions for which they are directly responsible for, with remaining actions awaiting input and resourcing from other departments. As interviewees highlighted:

"What we find, at the agency level, is that we can make plans for better use of existing funding streams but if the Education and Library Boards go back to the Department of Education and the Health and Social Care Trusts go back to the DHSSPS and they say we want to do this together, they find that they can't do that and so what's needed is a proper joined up, connected process at Government level." (Statutory agency representative 3)

"I think there is a particular weakness in the current structure with individual departments determining expenditure and children's issues in particular require an element of cross-departmental involvement and longer term funding so when budgets are tight as they are at present there is a huge danger that children's services can be cut... I'm very disappointed that there isn't a coherent plan to deal with children's issues on a cross-departmental basis..... There's an issue of departmental silos and not having a collective overview of how funding is spent and how a range of departments can benefit by one department's spending so unless that overview is taken on board on a collective basis there are huge dangers of worthwhile projects which benefit many departments not gaining funding from the one departmental fund. (MLA 2)

This was also highlighted as an issue at government department level.

“Without some sort of mechanism for us to create a vehicle whereby different departments can support multiple outcomes which are in their interest for you to be able to pool funding for that; that’s a huge barrier. So one of the barriers would be the lack of an acceptable vehicle to support the funding of joint commissioning of children’s services.” (Government department representative 4)

The infrastructure of the current funding system was viewed as not only undermining cross-departmental working but as raising questions on the extent to which funding can be, and is being, allocated to the maximum extent of available resources. The difficulties therein are particularly pertinent in the current economic climate and in the context of restricted budgets and competing priorities. The end of a dedicated Children’s Fund means that each department must now bid against each other for funding to establish new initiatives or maintain existing initiatives, making the maintenance of cross-cutting programmes for children and young people particularly vulnerable. Disappointment was expressed among interviewees that some children’s services and programmes which had previously received funding under the dedicated Children’s Fund had not received renewed funding from individual departments once the Children’s Fund came to an end since this was outside of ‘normal’ departmental expenditure while funding for other services which sought to address cross-cutting children’s issues had subsequently been subject to a ‘departmental carve up’ and individual departmental decisions as to their future. There is thus a danger that children’s rights and best interests are being put at risk rather than protected from the adverse effects of the economic downturn. As one MLA stated:

“I think the decision to remove the Executive Programme for children has been a very poor decision because it gave incentives for cross-departmental working. So that has left individual departments having to take decisions, what’s the most important decision for my department? When you do that many of the children’s issues disappear and then it’s lost... How can you say the [Ten Year] Strategy is working when a range of projects that were previously funded by the Children’s Fund are not [now] being funded?” (MLA 2)

NICCY and NGOs have consistently raised the issue of inadequate resourcing in their consultation responses to the targeted following strategies, policies and action plans:

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- Care Matters;
- Families Matters
- Children and Young People's Strategy and Action Plans;
- Play and Leisure Policy and Implementation Plan;
- Every School a Good School;
- Speech and Language Therapy Action Plan;
- The Way Forward for Special Educational Needs;
- Delivering the Bamford Vision;
- Safeguarding Board proposals.
- Early Years Strategy.

As can be seen, the issue of resourcing was raised in all of the strategies, policies and action plans being tracked for this project without exception. For example, there is ongoing concern at the statement made in the draft Early Years Strategy that, despite the historic underfunding of early years services in Northern Ireland, "there can be no assumption, at this point, of substantial new resources becoming available - it may be a case of making better use of existing resources so the Department will need to ensure that all interventions are effective and appropriate." Furthermore, in the recent consultation document on the proposals relating to special educational needs, it is noted that "the Department (DE) has acquired funding for the commencement of finalised proposals", *however* "full policy proposals can only be implemented as and when the necessary resources become available to both the education and health and social care sectors" (2009, p.18). There has also been concern, both from NICCY and NGOs, at the ongoing failure to ring-fence necessary monies, for example; in the context of the continued implementation of the Children and Young People's Strategy; the Play and Leisure implementation plan; the proposals relating to special educational needs; and the Safeguarding Board proposals.

The ability to uncover the extent to which Government is fulfilling its obligations under the Convention on the Rights of the Child, to the maximum extent of available resources, is made problematic by the lack of budgetary analysis and detail with respect to expenditure on children and young people. Indeed, the Committee on the Rights of the Child, in its 2008 Concluding Observations to the UK, has highlighted how this lack of consistent budgetary analysis 'makes it

difficult to identify how much expenditure is allocated to children across the State party and whether this serves to effectively implement policies and legislation affecting them.’(CRC, 2008, at para 18). For example, Delivering the Bamford Vision and Action Plan document provides an overview of funding allocated by DHSSPSS to mental health and learning disability services respectively; however no breakdown is provided on levels of funding allocated to adults and children in receipt of these services (at p.16). The document also provides an overview of funding allocated by the Department of Education for children with special educational needs; however these figures are not broken down according to specific actions relating to children with learning disabilities and/or mental health difficulties (at p.17). NGOs have questioned the inability of departments to provide details on funding arrangements or on the approximate costing of proposals set out in draft strategies and action plans; something which can make meaningful consultation on the nature and implications of policy proposals problematic. Despite research commissioned by NICCY, OFMDFM and the Department of Finance and Personnel (ERINI/IFS 2007) highlighting that Northern Ireland had the lowest spend per child on children’s services of all regions in the UK, any subsequent budgetary analysis by departments has been noticeably lacking:

“I think one of the biggest barriers is finding out what’s spent on children and young people because what I’ve found out over the last few years, [departments] don’t disaggregate funding between adults and children. And we need to keep shining a light on that to see what is spent, because if we could see what is spent then we could say that’s enough and that’s not enough or how do we want to measure it.... Unless we start to see what is spent on what then we can’t redirect resources to where they’re needed... I think the longer the Assembly is stable the more that we’ll improve in terms of our figures.” (MLA 1)

The importance of children’s budgeting was given particular emphasis among NGO and statutory representatives. As one NGO put it:

“We need a children’s budget. We need to see the different streams coming down and the proportion that’s being allocated to children and young people’s service but we also need to see whenever you’re looking at budget periods and spending reviews that there’s some kind of instruction to departments to see them pulling budgets round certain outcomes for children.” (NGO representative 1)

While there was acceptance among government representatives and other MLA interviewees of the importance of tracking expenditure, there was also a degree of concern at the extent to which such tracking would be both possible and cost effective:

“What you don’t want to do is create bureaucracy which ends up putting a huge amount of money into splitting up expenditure.” (MLA 2)

“I think [we need] to see a bit more research done on whether [children’s] budgeting is a good way to go because you might be better to spend your money to measure the outcomes for children. I think that... economists would be very transparent and frank and say we can’t watch and see how the money trickles down and link that to outcomes for children. We can measure the outcomes for children but we don’t know if we spent our money differently if that would be better or worse.” (Government department representative 3)

3.7 Data Collection, Analysis and Research

The Committee on the Rights of the Child has highlighted the importance of collecting data on children that is comprehensive, reliable and sufficiently disaggregated to enable the identification of discrimination and/or disparities in the realisation of rights across the State Party. Indeed, the Committee, in its 2002 Concluding Observations, recommended that the UK ‘establish a nationwide system whereby disaggregated data are collected on all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups.’ (CRC, 2002, at para 19). Such a system has not yet been developed and there continues to be concerns from NGOs at the serious lack of data on many aspects of children and young people’s lives and, where data has been collected, that this is not being sufficiently disaggregated to facilitate the identification of discrimination or to enable meaningful assessment of progress against strategies, policies and action plans. There have been consistent calls from both NICCY and NGOs for data to be disaggregated in the context of the following strategies, policies and action plans:

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- Care Matters;
- Families Matter;
- Delivering the Bamford Vision;
- The Way Forward for Special Educational Needs;
- Speech, Language and Communication Therapy Action Plan;
- Every School a Good School;
- Children and Young People's Strategy and Action Plan.

The only document to make any reference to disaggregated data collection among those targeted for this study was the second Children and Young People's Action Plan which states that "Work has... been carried out to disaggregate the information to help identify those children and young people who are not benefiting. This will help departments to target their efforts more specifically at those who need additional support." (at p.12). However no further detail is provided on, for example, the grounds on which the information is being disaggregated. Despite recommendations by the Committee on the Rights of the Child that Government monitor the situation of a number of particular groups of children, including: children with disabilities, children in poverty, Travellers, asylum-seeker and refugee children, children belonging to minority groups, looked after children, detained children and children aged between 16 and 18 years old, there continues to be significant gaps. For example: asylum-seeker and refugee children are not referred to at all in any of the strategies, policies or action plans targeted for this study; responses from NGOs to the draft proposals on special educational needs highlight the lack of specific information on educational outcomes of disabled children and young people; while responses to the Care Matters strategy highlight particular issues with categories for data collection with respect to looked after children. This issue was also highlighted by a government representative who suggested that:

"We tend not to get involved in research where there are some very difficult issues like child abuse or domestic violence. I think that's an area where the academics could do a better job than we could so we don't have very good information on the population of children in care and their background." (Government department representative 3)

Concerns have also been raised at the lack of research that is conducted on the qualitative experiences of children and young people with respect to the areas covered by the Convention and at the absence of qualitative indicators which allow for feedback from children and young people themselves. For example, NICCY, in its response to the Families Matter consultation highlighted that:

“Data that follows developments on key qualitative aspects of childhood is particularly lacking, notably in relation to children under the age of 10 years. As a result, official information about children/young people and childhood in Northern Ireland is unfortunately limited... In addition, there is no annual publication setting out the state of children and their rights and no regular survey of the state of children’s rights protection in Northern Ireland. This lack of up-to-date, comprehensive and holistic data on children’s lives, combined with a lack of appropriate consultation with children and young people generally, raises questions about how the impact of government policies on children and their families can be effectively and accurately measured and evaluated.” (NICCY 2007, p.8-9)

The importance of generating meaningful data and ongoing gaps was also raised throughout interviews with representatives from NGOs, statutory agencies and government departments. For example:

“[T]rying to get information or data to get a picture of where we’re at in children’s rights, that’s becoming a real struggle.” (NGO representative 1)

“I think there’s a fundamental barrier [to effective delivery for children] in terms of... how can you develop policies and legislation that are fit for purpose if you don’t know [for example] how many children are living with disabilities in a particular Trust area who have a particular health need?” (NGO representative 4)

“One of the difficulties is we don’t have good data for how children are doing and someone once said trying to implement policy without data is like trying to go to war without a map.” (Government department representative 4).

A further issue rose around the extent to which strategies, policies and action plans appeared to be somewhat detached from the targets against which they were to be measured, and the potential negative impact of the current economic climate on maintaining existing systems of data collection and in developing new and more effective systems:

“Strategies and policies don’t seem to often be very linked in to data and in to measures and targets. Like the Child Poverty strategy was developed in response to the Child Poverty Act in which it was very clearly stated that the Northern Ireland Executive had to show that they were driving down the numbers of children against certain targets or certain indicators and that was barely mentioned in the strategy. There was some figures mentioned at some point but I’d be worried about the data and how it would be affected by the budget cuts.” (Statutory agency representative 1)

There have been calls from both NICCY and NGOs for the development of measurable and child-centred indicators to allow progress against the targeted strategies, policies and action plans to be tracked in a way that is meaningful and child rights compliant. There have also been associated calls throughout consultation responses for government departments to ensure that indicators are developed in such a way so as to capture the experiences of children and young people and their families and to ensure that the voices of children and young people are heard. Work is currently ongoing between Children’s Services Planning and OFMDFM to develop a core set of indicators against which progress to date on current and future Children and Young People’s Action Plans could be assessed. Attempts are also being made to ensure that these indicators are children’s rights based and reflect the areas covered by the CRC. It remains to be seen how effective these indicators will be and to what extent these will be taken on board and built upon by government departments in assessing progress against strategies, policies and action plans that are both departmental specific and cross-cutting.

The challenges in developing good research practice and disaggregated systems of data collection were elaborated upon during interviews with government representatives. It was suggested that stakeholders had a key role to play in advising government departments on particular information needs and in the prioritisation of such needs. The costs associated with utilising particular sampling techniques which would allow for data to be disaggregated were often prohibitively expensive and, as such, required decisions to be taken on information

priorities at a particular point in time. Small sample sizes were another barrier to facilitating further breakdown of data in a statistically robust and reliable manner. Thus restricted sample sizes and associated costs of increasing sample size meant it was not always possible to disaggregate data across all of the desired areas. As one interviewee highlighted:

“The Family Resources Survey costs us about £330,000 a year (2009-2010). We can break that information down and say how many children are in poverty, male and female, Protestant and Catholic, a bit of geography, but if we doubled our sample size and spent nearly £700,000 on it, that wouldn’t reduce our standard errors by very much. So our challenge is to try and get a balance between the robustness of the statistic and the cost.” (Government department representative 3)

A further practical issue for government departments was the extent to which research carried out by external bodies and associated recommendations arising from such research could be utilised in a meaningful way:

“Research tells us what’s wrong but it doesn’t tell us how to fix it so the implementation, the logistics there’s a gap there. So one of the challenges is to try and fill that gap and try and get researchers to go that extra mile and give us more guidance on how to implement their ideas... [For example] a lot of people are saying we need better childcare but nobody says how much it would cost to increase the number of childminders by 10%.” (Government department representative 3)

It is clear that there continues to be gaps in the availability of quality up to date data on the lives of all children and young people across Northern Ireland. The lack of comprehensive data that is qualitative and quantitative, child-centred in nature, and which is sufficiently and consistently disaggregated raises concerns on the extent to which the impact of strategies, policies and actions plans can be accurately measured and government delivery for children fully assessed.

3.8 Engagement with children in the development and implementation of key strategies, policies and action plans

Article 12 of the UNCRC provides all children with the right to express their views in matters affecting them and for those views to be given due weight in accordance with the age and maturity of the child. The Committee on the Rights of the Child has also identified Article 13, on the right to freedom of expression, and Article 17, on access to information, as crucial prerequisites for the effective exercise of the right to be heard. In addition, Section 75 of the Northern Ireland Act (1998) imposes a duty on public bodies to consult with a number of identified groups, including children and young people.

Serious concerns have been expressed both by NICCY and NGOs about the extent to which children have been meaningfully engaged in the consultation processes of targeted strategies, policies and action plans and there have been consistent requests from both NICCY and NGOs for further information on the degree to which children and young people have been or are being consulted in such processes. An assessment of the extent to which children have indeed been engaged in these processes has been complicated by a lack of clear and available information from government departments in this regard and of concrete evidence wherein children's views have been taken on board and given due weight in the final strategy, policy or action plan. An overview of children's engagement in respect of the targeted strategies, policies and action plans and the availability of child-friendly documents is set out in Table 4 below:

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Strategy/Policy/Action Plan	Engagement with children in consultation process	Consultation document available in child-friendly format	Final document available in child friendly format
Delivering the Bamford Vision	While some young people with learning disabilities were involved in consultation workshops facilitated by Mencap, it is not clear whether direct consultation events were held with children and young people specifically.	An easy read version was produced but a children's version does not appear to have been produced.	An easy read version is available but a children's version is not available.
Children and Young People's Strategy and Action Plan	<p>The development process spanned four years. Children and young people were involved in the development of the strategic framework, principally through focus group events and which included: children and young people with multiple identities; with a disability; children and young people from minority ethnic communities; young offenders; children of Irish travellers; care leavers and younger children. In addition, a number of groups were established to inform the development process including a Young People's Advisory Forum, consisting of 48 young people aged between 12 and 18.</p> <p>A series of workshops to seek the views of children and young people on the Children and Young People's Action Plan and were held between August and October 2009. According to OFMDFM, almost 40 workshops took place between August and October 2009, involving over 600 young people from a wide range of backgrounds. The workshops took place in the young people's own settings and were led by their group leaders. The aim of this was to hear directly from young people about what they thought government should be doing to meet their priority needs in each of the 6 areas to help inform the development of new or revised actions, particularly in light of the UNCRC concluding</p>	The second Action Plan was not subject to a formal consultation process. However, a young people's version of the strategy, action plan and the UNCRC concluding observations were provided to assist in the discussions.	A children's version of the strategy was produced. A children's version of the second action plan was produced but an updated version following consultation workshops in 2009 was not produced.

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	<p>observations. A conference, "Be Seen, Be Heard", was held on the 21 November 2009 to conclude the consultation. The aim of the conference was to enable the young people to tell policy makers what they think Government should do to tackle the key issues identified.</p> <p>Representatives who are involved in making policy from most government departments and the OFMDFM Junior Ministers, who are responsible for driving forward the 10 Year Strategy, were there on the day to engage directly with the participants.</p>		
<p>Play and Leisure Policy and Implementation Plan</p>	<p>The Play Policy consultation document states that 'children were consulted on an on-going basis in playground and after school facilities' however no further details are provided.</p> <p>Children were engaged in the consultation process on the Play and Leisure Implementation plan through events facilitated by Playboard on behalf of OFMDFM. This was a joint consultation session on the play and leisure implementation plan and the child poverty strategy.</p> <p>Officials attended and observed at all events, with Junior Ministers attending the event at W5 on 29th January 2011 to hear the views and opinions of the children and young people</p> <p>In total 4 consultations events with children and young people were held as detailed below:</p> <ul style="list-style-type: none"> • W5, Belfast 29th January 2011 29 children & 15 young people • Artability, Belfast 27th January 2011 9 Young People 	<p>A children's version of both the Play Policy and the Play and Leisure Implementation plan consultation documents were produced.</p>	<p>A children's version of the final Play Policy was produced. However a children's version of the implementation plan has not been produced at the time of writing.</p>

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	<ul style="list-style-type: none"> • Cul Kids Club, Ballymena 4th February 2011 40 children • Action for Children, Newry 5th February 2011 15 young people <p>The total participant number for the events was 69 children (defined as being aged between 0 to 10 years), and 39 young people (defined as being aged 11 to 18 years).</p>		
Early Years Strategy	<p>The consultation document states that “A small number of children were asked for views during the initial stages but more information was obtained from parents and service providers on behalf of the children. It is intended to carry out consultation with children during public consultation stage.”</p> <p>It is not clear if consultation was carried out with children.</p>	<p>No. This is despite the fact that Departmental representatives had confirmed that there would be a child-friendly version released once the DE had sourced the most appropriate agency to collaborate with. “</p>	<p>Final strategy awaited.</p>
Every School a Good School	<p>The final document states: “In consulting on the draft school improvement policy, we highlighted specifically the characteristics of a good school, listing several features that would form part of our vision for the successful school of the future. Those characteristics were developed with specific input from young people themselves who, when involved, were very clear about what, for them, made a good school. In responding to this section, 75% of respondents agreed with that list of characteristics. Amendments and additional characteristics were also suggested and we have reviewed again, in light of consultation, the key components that make for a successful school.” However no further detail is provided on how many or which groups of children participated or what age they were.</p>	<p>There is no evidence that a children’s version of the consultation document was produced.</p>	<p>A children’s version of the final document does not appear to have been produced at the time of writing</p>

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	The final document also states that: “The views of young people were also given particular importance, with schools encouraged to obtain the views of their pupils on the policy proposals and to reflect those views in their responses.”		
The Way Forward for Special Educational Needs	The consultation document states that: “There has already been extensive pre-consultation activity with the education, health, voluntary and statutory sectors and parents and children during the development of these policy proposals.” No further detail is provided.	A children’s version was produced. There is no evidence of this document being made available in accessible formats for children with disabilities.	Final proposals are awaited.
Families Matter Strategy	The consultation document states that “During the development of this strategy, we consulted with key stakeholders in the statutory, voluntary and community sector and parents about improving the provision of family support services currently and over the next 10 years.” However no reference is made to children.	A children’s version does not appear to have been made available.	A children’s version of the final document has not been made available.
Speech, Language and Communication Therapy Action Plan	Children’s views were sought in the development of the Task Force report 2006-2008. The Royal College of Speech and Language Therapists facilitated two focus groups events with parents/guardians and children with speech and language needs. These were held on 23 and 25 Sept 2009 in Sperrinview, Dungannon and Thornfield schools. The final action plan states that ‘At these events parents were given the opportunity to raise concerns about current service provision and highlight areas where improvement or service redesign was required. A children’s facilitator enabled the children present to voice their views on speech and language therapy and identify what they wanted from the service’.	An easy read version of the consultation document directed at people with learning disabilities was produced and made available online, but a children’s version of the consultation document was not available.	A children’s version is not available at the time of writing.

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<p>Care Matters</p>	<p>The consultation document states: “In recognition of this obligation [Art 12] we plan to consult with sample groups of children and young people who have first hand experience of care.”</p> <p>DHSSPS sought the views of children and young people in care through workshops with young people at Include Youth and VOYPIC</p>	<p>A children’s version not produced until 2 June 2007. The consultation process opened in March 2007.</p>	<p>A children’s version of the final document is not available.</p>
<p>Safeguarding Board for Northern Ireland</p>	<p>Children and young people do not appear to have been directly involved in the consultation process.</p>	<p>There is no evidence that a children’s version of the proposals were produced.</p>	<p>There is no evidence that a children’s version of the final proposals having been produced.</p>

Table 4: Availability of child-friendly versions of key strategies, policies and action plans⁶

⁶ An online search of Government department websites on which adult versions of consultation and final documents of the targeted strategies, policies and action plans were made available was carried out. This was also followed up in the interview process where appropriate.

As can be seen there appears to be inconsistencies both between and within departments on levels of engagement with children and young people and whether or not a children and young people's version of the consultation document and/or final strategy, policy or action plan is produced. For example, in the case of Delivering the Bamford Vision and the Speech, Language and Communication Therapy Action Plan, Easy Read versions were produced of the respective consultation documents and of the final Bamford Action Plan. However, no children's versions were produced alongside these. Concern has been expressed that upon requesting children's versions of other various policy consultation documents that Easy Read versions tailored for adults with learning disabilities have been sent instead.

It is also clear that children are not always consulted with at the same time as adults. For example, the children's version of the Care Matters Strategy was not produced until 2 June 2007 – a short time before the initial consultation period for Care Matters was due to end (15 June 2007). In this instance the consultation period was extended by 3 months to allow more children and young people to respond. However, despite this extension to ensure that children's voices would be heard, the Care Matters Strategy was not redrafted or amended to take the views of children or, indeed, other stakeholders in account. Instead, the Strategy was endorsed by the Northern Ireland Executive in September 2009 in its draft consultation form. Similarly, children's views were sought on the second Children and Young People's Action Plan which covers the period 2008-2011; however children's views were not sought until August 2009 once the Action Plan had already been developed and issued to departments. Nor has any amended version of this action plan been produced in light of the views obtained throughout the workshops. More recently, the views of children and young people were sought on the draft Play and Leisure Implementation Plan in January and February 2011. However, this was a joint consultation event on both the Play and Leisure Implementation Plan and the Child Poverty Strategy. These issues raise questions on the degree to which engagement with children in consultation processes to date has been meaningful. There was a perception among children's sector organisations in particular that while there was an increasing trend of the importance of seeking children's views, assessing the long term impact such views had on government delivery for children was much more problematic.

This is not to say there aren't examples of good practice. The Participation Network was consistently referred to by all government representatives without exception as a key vehicle for

seeking the views of children and young people in the development of strategies, policies and action plans. Members of the Participation Network were also involved in producing documents that were child-friendly. The advantages of using the Participation Network were primarily due to their accessibility and down to the fact that they were well supported by Network staff in the process. As one government department representative put it: “We’re not the experts in participation, they are.” It is also increasingly recognised that “you can’t take a children’s rights approach to planning unless you hear from children and young people” (Government department representative). However there was also a perception among some interviewees that where policy impacted on children indirectly rather than directly, that there wasn’t a need to engage with children. It was also clear that some departments had begun to take a more proactive approach to engaging with children and producing children’s versions of consultation documents than they had previously. One government department representative reflected on a previous policy that had been subject to public consultation:

“We didn’t produce a children and young people’s version. We held sessions and actively sought young people’s views but we didn’t produce a children and young people’s version which was an omission. We did do that in subsequent consultations of a slightly smaller scale but we did learn the lesson to produce children’s versions of the documents. We learned from that and got it better the next time.” (Government department representative 1)

The impact of children’s views on individual policymakers was also clear to see:

“Consultation with children and young people tends to... be very direct, extremely forceful and has a real quality to it that you don’t get from consultees who are at system level... It puts policy developers quite healthily in their place.” (Government department representative 1)

There was also a perception among statutory agencies and children’s sector organisations that some departments were better than others at proactively engaging with children and young people in consultation processes. A good practice example was given of the Care Matters Strategy whereby policymakers came and spoke directly to young people with experience of care in the early stages of policy development. Nevertheless there was little evidence of particular examples where children’s views as obtained through consultation events had informed the final strategy, policy or action plan. Nor was there evidence of government

departments informing children and young people of how their views had been taken on board in this study. Indeed, it appeared that children's views had greater impact when sought in the pre-consultation stage as in the case of the Care Matters Strategy and in the Play and Leisure Implementation Plan where children's views had shaped the three core areas identified in final plan (Government department representative). Another government representative was of the view that consultation events with children had become something of a 'tick box exercise' and found that directly involving young people through meetings had a much more significant impact on policy development:

"In the past year for example I can think of conversations I've had with children and young people and they weren't like [consultation events]. They were proper business meetings where we sat down and talked very seriously about their situations and in those meetings I got to hear probably some of the most salient pieces of information about policy making that I needed to... I mean it was complicated stuff, pure policy stuff but it wasn't like a game or an exercise that we did in a facilitated way, it was a proper meeting. I think there should be a little bit more of that done. We've taken the issue of Article 12 and we've turned it into an industry and completely missed the point in doing so." (Government department representative 4)

One interviewee suggested that something needed to be done to maximize the utility of the participation work that had already been carried out to date so that children weren't being asked for their views on the same issues repeatedly. It was suggested that there was a need for greater information sharing and a collation of information on all the participation work that had been carried out by various bodies to date.

While there is undoubtedly an increasing trend towards seeking children's views, this has been restricted to the consultation process with less practical evidence of children's engagement in the *implementation* of strategies, policies and action plans and/or in their implementation structures. For example the draft Early Years Strategy assesses its compliance with Article 12 of the CRC in the development of the strategy but not with respect to its implementation. One notable example of a recent success in this regard however, is the recent amendment made to the Safeguarding Board Bill following calls from NICCY and NGOs and which places a duty on the Safeguarding Board to 'promote communication between the Board and children and young persons' (section 3(7) Safeguarding Bill as amended at consideration stage, December 2010).

The engagement of children and young people in the development of strategies, policies and plans has been bolstered by the establishment and visibility of the Participation Network, and as such is to be commended. Gaps and inconsistencies remain; not least with respect to implementation. Overall, it is evident that although children are clearly increasingly being given opportunities to express their views, the extent to which these views are being given due weight is less clear.

3.9 Impact Assessment

The importance of child impact assessment as a means of ensuring that children's rights are respected in law and policy at all levels of government has been emphasised by the Committee on the Rights of the Child in its 2003 General Comment (GC, No.5: 11). Moreover, the Committee, in its 2008 Concluding Observations in respect of the UK, has recommended that child rights impact assessments are 'regularly conducted to evaluate how the allocation of budget is proportionate to the realization of policy developments and the implementation of legislation.' (CRC, 2008 at para 19).

There is currently no formal or specific system in place to ensure that the impact of policies, strategies and action plans on children and/or their rights is systematically assessed and addressed. The only system that is currently in place more generally is Section 75 of the Northern Ireland Act (1998) which requires designated public authorities to promote equality of opportunity across nine different grounds, including age. The key to this is in the development of equality schemes and impact assessments which require designated public bodies to assess all policies for any potential adverse impact. Departments also have a statutory duty to ensure that their decisions and actions are compatible with the European Convention on Human Rights and to act in accordance with these rights. However these do not require public bodies to assess the impact of a policy or strategy against the provisions of the CRC specifically. There has been widespread concern that Section 75 has not delivered for children in promoting equality of opportunity or in identifying and remedying potential adverse impact. An analysis of consultation responses from NGOs, to the targeted strategies, policies and action plans, reveal concern throughout that policies are not and have not been consistently and/or effectively screened for

potential adverse impact. There are particular issues and significant gaps relating to how policy proposals will operate in practice, and ultimately impact on children from marginalised groups. This has been raised in the responses of NGOs to consultations on The Way Forward for Special Educational Needs, Every School a Good School, the Play Policy, the Early Years Strategy and Care Matters. Specifically, there appears to be an underlying assumption in Equality Impact Assessments that children are a homogenous group with a shared life experience. Such an approach negates the diversity of children's lives and fails to take into account the impact of policy proposals on groups of children including: traveller children; children with disabilities; children from minority ethnic groups; lesbian, gay, bisexual and transgendered young people; looked after children; and children in the youth justice system. Concerns have also been raised in respect of policy proposals relating to particular areas, such as those currently being developed by the Department of Education on special educational needs, due to the fact that schools have not been designated as public bodies for the purposes of Section 75 of the Northern Ireland Act (1998). Thus schools are not obliged to ensure equality of opportunity for all children when carrying out their functions, including assessing the impact of all school policies.

It is clear from interviews with government department representatives that a specific process of child impact assessment was not something that had been considered. The only exception to this was in the case of the draft Early Years Strategy whereby, as has already been highlighted, a compliance exercise of the draft strategy against some, *but not all* CRC rights had been carried out. Indeed this exercise excluded one of the core areas covered by the CRC; that is, the right to non-discrimination as set out in Article 2. As such, this was a partial attempt to child impact assessment. Nevertheless it is an important first step and the willingness to do so in this instance is something to be harnessed and further developed so that a comprehensive approach to child impact assessment can begin to emerge.

4.0 Conclusions and Recommendations

This final section provides an overview of the key findings that have emerged from this study, highlighting key structural barriers which may hinder effective government delivery for children in Northern Ireland at this present time. In response to these identified barriers, the report makes a number of recommendations for Government and for NICCY. While the findings provide valuable insights into the issue of effective delivery for children in Northern Ireland, given the limited nature of the study and the fact that it is based on purposeful samples of both government consultations and stakeholder interviews, the findings cannot be regarded as a complete account of the barriers and achievements in the area.

The study has identified a number of positive gains in respect of government delivery for children in Northern Ireland. It is evident that there is a large number of strategies, policies and actions plans which have been developed or which are in the process of development and which have the potential to impact across many aspects of children's lives. It is also clear that there is increasing reference to children's rights across strategies, policies and action plans and some attempts to engage with some of the children's rights standards (for example, as evidenced by the draft Early Years strategy). Children and young people are engaged increasingly in the development of strategies, policies and action plans, with the Participation Network being a key indicator of success. It is becoming, and for many government department representatives interviewed during the course of this study, had become, the first port of call for eliciting children's views on matters of relevance to them.

Nevertheless a number of significant barriers remain and these are set out below. The most significant structural barriers to effective government delivery for children which emerged from this study are identified below:

Commitment to children's rights

While there is increasing reference to children's rights within strategies, policies and action plans, practice remains inconsistent and varies from policy to policy. Greater recognition is accorded to the CRC generally; however, more often than not, the targeted strategies, policies and action plans have not engaged with, or mainstreamed, CRC standards in a substantive

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manner. Designated actions under the targeted strategies, policies and action plans are not routinely underpinned by, or explicitly assessed against, children's rights standards. Moreover, the high level rights outcome within the Ten Year Children and Young People's Strategy is the only outcome within the framework for which no scope has been provided for action planning and for which no indicators currently exist. There is also concern that children's rights are in fact being *de-prioritised*, with the restructuring within OFMDFM which has led to the replacement of the Children and Young People's Unit with a generic Age unit, being cited as one such example. In addition, the brief for children's issues rests with two Junior Ministers rather than being attached to a full ministerial portfolio.

Coordination and joined up government

While there is evidence of some good practice of joined up working at intra-agency level, this is not always replicated at central government level. OFMDFM does not have the power to compel other departments to undertake specific actions under the Ten Year Strategy. The 'silo' mentality that exists among some individual government departments is thought to sometimes impinge upon the outworking of strategies, policies and action plans on cross-cutting issues impacting across children's lives. Joined up working between departments can at times be dependent upon goodwill and the existence of good working relationships between individuals, resulting in inconsistency of practice. There can also be a failure to co-ordinate strategies which can result in a fragmented approach to policy development and implementation.

Delays

There are often significant time lags between the planning and implementation stages of a strategy, policy or action plan. Delays can be compounded by the frequent turnover of staff and by the complexity of the political structures in Northern Ireland.

Training and awareness

There is a general lack of understanding of the CRC and its implications for the development and subsequent implementation of strategies, policies and action plans. Systematic training on the CRC is not provided routinely to those who are directly involved in developing or implementing a strategy, policy or action plan.

Data collection, analysis and research

Existing data is not always sufficiently disaggregated and insufficient data exists in respect of vulnerable and marginalised groups of children. There is a limited amount of qualitative research conducted on the experiences of children and young people. The lack of good quality baseline data in some instances can make meaningful assessment of progress against the strategies, policies and action plans particularly problematic.

Participation

Children are increasingly engaged in consultation processes. However, this level of engagement is not always reflected in the implementation phases and/or structures of the appropriate strategies, policies and action plans. Where child friendly versions of consultation documents are produced, they are not always of high quality. In some instances child friendly consultation documents have not been issued at the same time as adult versions of the document. Final versions of strategies, policies and action plans are not always produced in child-friendly formats and/or easily available.

Child impact assessment and evaluation

There is no formal or statutory system of child impact assessment in place to predict the impact of strategies, policies and action plans or budgetary allocations on children and the enjoyment of their rights. Nor is there a formal system of child impact evaluation in place to evaluate the actual impact of budgetary allocations or the implementation of strategies, policies and action plans on children and the enjoyment of their rights.

Resourcing

The ability of Government to deliver effectively for children in all areas can be restricted by the current economic climate and competing priorities. The infrastructure of the current funding system does not always facilitate opportunities for pooled funding for cross-cutting children's issues. In addition, there is concern that necessary monies are not always ring-fenced to facilitate effective implementation of strategies, policies, strategies and action plans. The ability to assess the extent to which Government is fulfilling its obligations under the CRC, to the maximum extent of available resources, can be compounded by the lack of detailed budgetary analysis with respect to expenditure on children and young people.

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It is important to note that some of these barriers – such as the delays in the development and implementation of strategies, policies and action plans - are not specific to children and would be equally applicable to other policy areas.

Recommendations

A set of recommendations, for Government and for NICCY respectively, are set out below. NICCY has deployed significant efforts to date in providing advice to government on matters relating to children's rights and best interests and there have been a number of important achievements in this regard. An analysis of NICCY's consultation responses to the strategies, policies and action plans targeted for this study indicates a number of issues that are highlighted frequently throughout. It is suggested that NICCY consider adopting a more strategic approach to its role in providing advice to government in the ways set out below.

There is a need within Government for:	It is recommended that NICCY:	Children’s rights base
Recommendation Area 1: Training and awareness		
<ul style="list-style-type: none"> ➤ A more consistent application of a children’s rights framework to the development and implementation of all strategies, policies and action plans from the outset, including designated actions. 	<ul style="list-style-type: none"> ➤ Develop detailed NICCY guidance on a children’s rights based approach to the development and implementation of strategies, policies and action plans to complement the OFMDFM Guide to Policymaking (the ‘Purple Book’) ➤ Engage policymakers and provide advice at the earliest stages of policy/strategy development as possible. ➤ Disseminate guidance to all those with responsibility for developing and implementing strategies, policies and action plans. ➤ Monitor staff changes within government departments and disseminate guidance to new incoming staff involved in the development and/or implementation of a strategy, policy or action plan as early as possible. 	<p>“The development of a children’s rights perspective throughout Government... is required for effective implementation of the whole Convention and, in particular, in the light of the... general principles [of the CRC]” (UN, 2003, para 12)</p> <p>“The Committee emphasizes States’ obligation to develop training and capacity-building for all those involved in the implementation process... and for all those working with and for children....Training needs to be systematic and ongoing - initial training and re-training.” (UN, 2003, para 53)</p> <p>“There should be periodic evaluation of the effectiveness of training, reviewing not only knowledge of the Convention and its provisions but also the extent to which it has contributed to developing attitudes and practice which actively promote enjoyment by children of their</p>
<ul style="list-style-type: none"> ➤ Development of a systematic training programme on the CRC and its implications for policy development and implementation for all those involved in 	<ul style="list-style-type: none"> ➤ Include general information on the CRC and children’s rights in the above guidance. 	

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<p>developing and implementing strategies, policies and action plans.</p>	<ul style="list-style-type: none">➤ Liaise with and provide advice to Government on the development and content of a training programme based on the new guidance.➤ Consider developing training materials to accompany guidance and/or a 'Train the Trainers' workshop for those delivering the training programme.	<p>rights..." (UN, 2003, para 55)</p> <p>See also:</p> <ul style="list-style-type: none">➤ General Comment 1 (para 17, 23)➤ General Comment 5 (para 18, 31)➤ General Comment 7 (para 11, 13, 22)➤ General Comment 9 (para 29)➤ Concluding Observations 2002 (para 8, 9, 13, 14, 23, 25, 26)➤ Concluding Observations 2008 (para 10, 11, 14, 26, 27)
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There is a need within Government for:	It is recommended that NICCY:	Children’s rights base
Recommendation Area 2: Children’s Rights Impact Assessment and Evaluation		
<ul style="list-style-type: none"> ➤ Children’s rights impact assessment to be carried out routinely against all strategies, policies and action plans 	<ul style="list-style-type: none"> ➤ Include information on children’s rights impact assessment in the guidance. 	<p>“Ensuring that the best interests of the child are a primary consideration in all actions concerning children and that all the provisions of the Convention are respected in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessment (predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights) and child impact evaluation (evaluating the actual impact of implementation). This process needs to be built into government at all levels and as early as possible in the development of policy.” (UN, 2005, para 45)</p> <p>See also:</p> <ul style="list-style-type: none"> ➤ General Comment 5 (para 32, 33, 46, 47) ➤ Concluding Observations 2008 (para 18)
<ul style="list-style-type: none"> ➤ Children’s rights impact evaluation to be carried out routinely against all strategies, policies and action plans. 	<ul style="list-style-type: none"> ➤ Include information on children’s rights impact evaluation in the guidance. 	

There is a need within Government for:	It is recommended that NICCY:	Children’s rights base
Recommendation Area 3: Engagement with Children in the Development and Implementation of Strategies, Policies and Action Plans		
<ul style="list-style-type: none"> ➤ Child friendly consultation and final documents of strategies, policies and action plans to be produced routinely and made easily available. 	<ul style="list-style-type: none"> ➤ Include information on developing child-friendly documents in the guidance. 	<p>“The concept of participation emphasizes that including children should not only be a momentary act, but the starting point for an intense exchange between children and adults on the development of policies, programmes and measures in all relevant contexts of children’s lives.” (UN, 2009, para 13)</p>
<ul style="list-style-type: none"> ➤ Greater engagement of children in the implementation phases and structures of strategies, policies and action plans. 	<ul style="list-style-type: none"> ➤ Include information on engaging children in all stages of the policy process with a particular emphasis on engaging children in the implementation of a strategy, policy or action plan in the guidance. 	<p>“Children need access to information in formats appropriate to their age and capacities on all issues of concern to them. This applies to information, for example, relating to their rights, any proceedings affecting them, national legislation, regulations and policies, local services, and appeals and complaints procedures.” (UN, 2009, para 82)</p> <p>See also:</p> <ul style="list-style-type: none"> ➤ General Comment 5 (para 12, 27, 29, 30, 57) ➤ General Comment 7 (para 14) ➤ General Comment 9 (para 32)

		<ul style="list-style-type: none"> ➤ General Comment 12 (para, 15, 21, 49, 89, 115, 133, 134, 135) ➤ Concluding Observations 2002 (para 29, 30) ➤ Concluding Observations 2008 (para 33, 44)
There is a need within Government for:	It is recommended that NICCY:	Children’s rights base
Recommendation Area 4: Coordination and Joined Up Government		
<ul style="list-style-type: none"> ➤ A statutory duty to co-operate at both central government and intra-agency level. 	<ul style="list-style-type: none"> ➤ Advocate for a statutory duty to co-operate. 	<p>“In examining States parties’ reports the Committee has almost invariably found it necessary to encourage further coordination of government to ensure effective implementation: coordination among central government departments, among different provinces and regions, between central and other levels of government....” (UN, 2003, para 37)</p> <p>See also:</p> <ul style="list-style-type: none"> ➤ General Comment 5 (para 1, 18, 27, 29, 33, 39, 56, 58, 59) ➤ General Comment 9 (para 21, 25) ➤ Concluding Observations 2002 (para 12) ➤ Concluding Observations 2008 (para 12, 13, 23, 55)

There is a need within Government for:	It is recommended that NICCY:	Children’s rights base
Recommendation Area 5: Data Analysis and Research		
<ul style="list-style-type: none"> ➤ More systematic collection of qualitative data on the experiences of children and young people. 	<ul style="list-style-type: none"> ➤ Identify, in conjunction with children’s sector NGOs, priority areas in which there is a need for more systematic collection of qualitative data. 	<p>“Collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination and/or disparities in the realization of rights, is an essential part of implementation...It also needs to be coordinated throughout the jurisdiction, ensuring nationally applicable indicators.” (UN, 2003, para 48)</p>
<ul style="list-style-type: none"> ➤ More systematic collection of qualitative and quantitative data on the experiences of, and outcomes for, children and young people from vulnerable and marginalised groups. 	<ul style="list-style-type: none"> ➤ Include information on disaggregation of data in the guidance. ➤ Identify, in conjunction with children’s sector NGOs, priority areas in which there is a need for more systematic collection of qualitative and quantitative data on the experiences of, and outcomes for, children and young people from vulnerable and marginalised groups. 	<p>“The Committee urges all States parties to develop a system of data collection and indicators consistent with the Convention and disaggregated by gender, age, family structure, urban and rural residence, and other relevant categories. This system should cover all children up to the age of 18 years, with specific emphasis on early childhood, particularly children belonging to vulnerable groups.” (UN, 2005, para 39). See also:</p> <ul style="list-style-type: none"> ➤ General Comment 7 (para 12) ➤ General Comment 9 (para 16, 19)

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		<ul style="list-style-type: none">➤ Concluding Observations 2002 (para 18, 19, 23)➤ Concluding Observations 2008 (para 65)
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There is a need within Government for:	It is recommended that NICCY:	Children’s rights base
Recommendation Area 6: Resourcing		
<ul style="list-style-type: none"> ➤ Systematic budgetary analysis with respect to expenditure on children and young people. 	<ul style="list-style-type: none"> ➤ Include information on children’s rights budgeting in the guidance. ➤ Monitor, on an ongoing basis, the availability and consistency of budgetary analysis and detail with respect to expenditure on children and young people. 	<p>“No State can tell whether it is fulfilling children’s economic, social and cultural rights “to the maximum extent of ... available resources”, unless it can identify the proportion of national and other budgets allocated to the social sector and, within that, to children, both directly and indirectly.” (UN, 2003, para 51)</p>
<ul style="list-style-type: none"> ➤ Greater ring-fencing of monies to facilitate effective implementation of strategies, policies, strategies and action plans. 	<ul style="list-style-type: none"> ➤ Advocate for greater ring-fencing of monies to facilitate effective implementation of strategies, policies, strategies and action plans. 	<p>The Committee recommends that the State party, in accordance with article 4 of the Convention, allocate the maximum extent of available resources for the implementation of children’s rights, with a special focus on eradicating poverty and that it reduce inequalities across all jurisdictions...Child rights impact assessment should be regularly conducted to evaluate how the allocation of budget is proportionate to the realization of policy developments and the implementation of legislation.” (UN, 2008, para 19)</p>
<ul style="list-style-type: none"> ➤ The development of a vehicle to enhance opportunities for pooled funding between departments on cross-cutting children’s issues. 	<ul style="list-style-type: none"> ➤ 	<p>The Committee recommends that the State party, in accordance with article 4 of the Convention, allocate the maximum extent of available resources for the implementation of children’s rights, with a special focus on eradicating poverty and that it reduce inequalities across all jurisdictions...Child rights impact assessment should be regularly conducted to evaluate how the allocation of budget is proportionate to the realization of policy developments and the implementation of legislation.” (UN, 2008, para 19)</p>

		<p>See also:</p> <ul style="list-style-type: none">➤ General Comment 1 (para 28)➤ General Comment 5 (para 32)➤ General Comment 7 (para 34, 38)➤ General Comment 9 (para 16, 20)➤ Concluding Observations 2002 (para 10, 11, 46)➤ Concluding Observations 2008 (para 15, 18)
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Appendix A – Children’s Rights based Indicators

Indicator Group 1	Integration of Children’s Rights Principles in Policy and Legislation
<p>Children’s Rights base</p>	<ul style="list-style-type: none"> ➤ General Comment 5 (paras 12, 18, 31) ➤ Concluding Observations 2002 (paras 8, 9, 13, 14, 23, 25, 26) ➤ Concluding Observations 2008 (paras 10, 11, 14, 26, 27) ➤ General Comment 1 (paras 17, 23) ➤ General Comment 7 (paras 11, 13, 22) ➤ General Comment 9 (para 29)
	<ul style="list-style-type: none"> • Evidence that Government has conducted a comprehensive review of the strategy/policy/action plan and related guidance to ensure full compliance with the CRC. <p><i>Evidence that the strategy/policy/action plan:</i></p> <ul style="list-style-type: none"> • Makes explicit reference to the CRC • Integrates the best interests of the child principle as a primary consideration. • Integrates the right to life, survival and development (as a goal/part of overall objective) • Reflects the non-discrimination principles by ensuring provisions are accessible to every child without discrimination on any ground. • Integrates the right of children to be heard in all matters affecting them.

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Indicator	<ul style="list-style-type: none">• Engages with the appropriate substantive standards.• Developed and endorsed at the highest level of government.
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Indicator Group 2	Coordination, cross-agency and cross-sectoral communication
<p>Children’s Rights base</p>	<ul style="list-style-type: none"> ➤ General Comment 5 (paras 1, 18, 27, 29, 33, 37, 39, 56, 58, 59) ➤ Concluding Observations 2002 (para 12) ➤ Concluding Observations 2008 (paras 12, 13, 23, 55) ➤ General Comment 9 (paras 21, 25)
<p>Indicators</p>	<p>Coordination</p> <p><i>Evidence that:</i></p> <ul style="list-style-type: none"> • A mechanism has been established or designated to ensure appropriate coordination of the development of the strategy/policy/action plan. • A mechanism has been established or designated to ensure appropriate coordination of the implementation of the strategy/policy/action plan. • The lead government agency has engaged with other government departments in the development of the strategy/policy/action plan. • The lead government agency has engaged with other government departments in the implementation of the strategy/policy/action plan.

	<p>Community and voluntary sector engagement</p> <p><i>Evidence that:</i></p> <ul style="list-style-type: none">• Government has engaged with the community and voluntary sector in the development of the strategy/policy/action plan.• Government has engaged with the community and voluntary sector in the implementation of the strategy/policy/action plan.• Government has given due weight to the community and voluntary sector views in the development of the strategy/policy/action plan.• Government has given due weight to the community and voluntary sector views in the implementation of the strategy/policy/action plan. <p>Statutory agency engagement</p> <p><i>Evidence that:</i></p> <ul style="list-style-type: none">• Government has engaged with NICCY in the development of the strategy/policy/action plan.• Government has given due weight to the NICCY's views in the development of the strategy/policy/action plan.• Government has engaged with NICCY in the implementation of the strategy/policy/action plan.• Government has given due weight to NICCY's views in the implementation of the strategy/policy/action plan.
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Indicator Group 3	Child Impact Assessment
<p>Children’s Rights base</p>	<ul style="list-style-type: none"> ➤ General Comment 5 (paras 32, 33, 45, 46, 47) ➤ Concluding Observations 2008 (para 18)
<p>Indicators</p>	<p><i>Evidence that:</i></p> <ul style="list-style-type: none"> • Government has systematically considered how children’s rights and interests will be affected by the strategy/policy/action plan. • Government has systematically considered how the rights and interests of different groups of children, including children belonging to the most vulnerable groups, will be affected by the strategy/policy/action plan. • The strategy/policy/action plan includes clear arrangements for monitoring and continuous reviews and updating. • There is a process in place for child impact evaluation in relation to the strategy/policy/action plan. • The strategy/policy/action plan sets specific, realistic and time-bound goals.

Indicator Group 4	Engagement with children
<p>Children’s Rights base</p>	<ul style="list-style-type: none"> ➤ General Comment 5 (paras 12, 27, 29, 30, 57) ➤ Concluding Observations 2002 (paras 29, 30) ➤ Concluding Observations 2008 (paras 33, 44) ➤ General Comment 7 (para 14) ➤ General Comment 9 (para 32) ➤ General Comment 12 (paras 13, 15, 21, 49, 82, 89, 115, 133, 134, 135)
<p>Indicators</p>	<p><i>Evidence that:</i></p> <ul style="list-style-type: none"> • The strategy/policy/action plan identifies children as rights-holders. • The strategy/policy/action plan explicitly engages with children in the consultation phase. • The strategy/policy/action plan engages with representative groups of children in the consultation phase. • Consultation processes are accessible to children. • Consultation documents are provided in age appropriate and child-friendly formats. • The strategy/policy/action plan gives children’s views due weight in the development process. • Children are informed as to how their views have been interpreted and used in the development process. • The final strategy/policy/action plan is available in child-friendly formats.

Barriers to effective government delivery for children

	<ul style="list-style-type: none">• The strategy/policy/action plan engages with children, including representative groups of children, in the implementation phase.• The strategy/policy/action plan gives children's views due weight in the implementation phase.• Government engages with children through appropriate community and voluntary sector organisations.• Government engages with children directly.• Children are informed as to how their views have been interpreted and used in the implementation process.
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Indicator Group 5	Making children visible in budgets
<p>Children’s Rights base</p>	<ul style="list-style-type: none"> ➤ General Comment 5 (paras 32, 51) ➤ Concluding Observations 2002 (paras 10, 11, 46) ➤ Concluding Observations 2008 (paras 15, 18, 19) ➤ General Comment 1 (para 28) ➤ General Comment 7 (paras 34, 38) ➤ General Comment 9 (paras 16, 20)
<p>Indicators</p>	<ul style="list-style-type: none"> • Evidence of the proportion of the total sectoral budget spent on children in respect of the strategy/policy/action plan. • Evidence that the strategy/policy/action plan is adequately resourced in financial terms to ‘the maximum extent of available resources’. • Evidence that the strategy/policy/action plan is adequately resourced in terms of human resources. • Evidence that financial resources are clearly ring-fenced.

Indicator Group 6	Training and capacity building
<p>Children’s Rights base</p>	<ul style="list-style-type: none"> ➤ General Comment 5 (paras 53, 55) ➤ Concluding Observations 2002 (paras 20, 21) ➤ Concluding Observations 2008 (paras 21) ➤ General Comment 7 (paras 23, 41) ➤ General Comment 9 (paras 26, 27) ➤ General Comment 12 (para 49)
<p>Indicators</p>	<p><i>Evidence that:</i></p> <ul style="list-style-type: none"> • Training and capacity building programmes have been developed for all those involved in the development of the strategy/policy/action plan. • Initial and ongoing training and capacity building programmes have been developed for all those involved in the implementation of the strategy/policy/action plan. • Training and capacity building programmes are children’s rights based and include training on the CRC. • Training and capacity building programmes are subject to periodic monitoring and evaluation.

Indicator Group 7	Data Collection
<p>Children’s Rights base</p>	<ul style="list-style-type: none"> ➤ General Comment 5 (para 48) ➤ Concluding Observations 2002 (paras 18, 19, 23) ➤ Concluding Observations 2008 (paras 65) ➤ General Comment 7 (paras 12, 39) ➤ General Comment 9 (paras 16, 19)
<p>Indicators</p>	<p><i>Evidence that:</i></p> <ul style="list-style-type: none"> • Government has established effective systems of disaggregated data collection to evaluate and assess progress in implementation in areas covered by the strategy/policy/action plan. • Data collection enables identification of discrimination. • Systems of data collection encompass all children up to the age of 18. • A set of measurable indicators have been developed in respect of the strategy/policy/action plan.

Indicator Group 8	Monitoring and evaluation
Children's Rights base	<ul style="list-style-type: none">➤ General Comment 5 (para 33)➤ Concluding Observations 2008 (para 15)➤ General Comment 1 (para 22)➤ General Comment 9 (para 16)
Indicators	<p><i>Evidence that:</i></p> <ul style="list-style-type: none">• Government has established a clear mechanism to ensure effective evaluation of the strategy/policy/action plan in delivering its objectives.• Government has established a clear mechanism to ensure effective monitoring of implementation.



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