

Rt Hon Peter Hain MP Esq
Secretary of State for Northern Ireland
Stormont Castle
BELFAST
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Dear Secretary of State

I was very pleased to hear that you had decided to appoint a Children's Minister for Northern Ireland from within your ministerial team. This is something which I, alongside many from the voluntary sector, have been calling for. I appreciate that you will wish to announce who will be taking on this responsibility in the near future, but in advance of that I thought it might be helpful to set out, from my perspective as Commissioner for Children and Young People, what I see as the key agenda facing both the Children's Minister and his departmental colleagues.

In setting out this agenda, I am deliberately focussing on issues which cut across more than one Department. I am conscious that for most children education and health are two of the key concerns, and these are largely contained in terms of policy and delivery within the two relevant departments. That is not to say I am entirely happy with these Department's performance in their core responsibilities – for example, when we met I highlighted my fundamental concern about mental health services for children.

However, we need to think more widely about children's well being, and a good summary of Government's task is contained in the UN Convention on the Rights of the Child. In England and Wales, the Government have rightly published five outcomes for children, which reflect the breadth of the Convention, and were given legislative effect in the Children's Act 2004. These are:

- a. Physical and mental health and emotional wellbeing
- b. Protection from harm and neglect
- c. Education, training and recreation
- d. The contribution made by them to society
- e. Social and economic well-being.

While I might quibble about some of the wording, and would prefer a more overtly “children’s rights” focus in these outcomes, I applaud the Government for bringing this direction to policy, which has been sadly lacking in Northern Ireland. I hope the Children’s Strategy will begin to redress this gap, which is also reflected in substantial areas of policy for children in Northern Ireland being way behind the position in the rest of the UK.

With that background, the key issues for me are:

1. Implementation of the UNCRC

The Convention on the Rights of the Child is the key international treaty impacting on children’s lives. Research undertaken for my Office in 2004, demonstrated that in many areas the Government has not fulfilled its obligations under the Convention. This goes beyond the specific issues raised by the UN Committee on the Rights of the Child in their most recent examination of the UK, to impact on many areas of policy. I would like to see a much bolder commitment by Government to using the Convention as a guide to policy development (as was envisaged in the early drafts of the Children’s Strategy), and indeed to see it endorsed within domestic law as has happened in Norway.

2. 10 year Strategy for Children and Young People – *R wrld 2*

There was considerable disappointment with the draft children’s strategy when it was published. My office submitted a very comprehensive response to the draft strategy so I will not rehearse my views here, other than to note that I believe putting the UNCRC and key outcomes at the heart of the strategy is essential. I am concerned that the final strategy should be confirmed as a matter of urgency, and that it should have the capacity to ensure action across all government departments. It must be properly resourced and “owned” by all departments who must be held accountable for their actions. This will be a key task for the Children’s Minister.

3. Funding for Children’s Services

I am concerned that part of the drift between Northern Ireland and elsewhere in the UK is attributable to the way funding is allocated to children’s services, especially at a time of significant policy development in Whitehall. The Barnett Formula means that when new initiatives are taken eg on child protection or child care, NI may get an addition to its block funding, but there is no guarantee of it being devoted to the same children’s service. Thus big spenders like education and health appear to keep pace with the rest of the UK, but crucial yet less high profile services, and those that are new, lose out. I am glad that this is something Government is beginning to recognise,

and that Ministers have responded positively to my suggestion that there should be a study to tease out the comparative streams and levels of expenditure between NI and England & Wales.

The situation has been compounded here by reliance on a number of short term funding streams (like EU Peace monies) to fill some of the gaps, and by the so called "mainstreaming" of the Executive Children's Fund, set up at the time of the Assembly. My impression would be that there has been a net loss of funding for children's services, in both statutory and voluntary sectors at a local level, with the removal of this Fund. I would hope that Ministers would consider pooling some of the departmental budgets into a children's budget which would enable cross-cutting services to access long term funding.

4. Lack of "Joined Up" working across Government departments.

Children's issues span most government departments, yet it is difficult to obtain co-operative working and ownership when children's issues need addressing in Northern Ireland. I think the existence of my office for almost two years has begun to highlight this issue in a new way, as I am getting very frustrated by the lack of progress on some key policy areas, which fall between a number of government departments. I hope that the Children's Minister will be able to draw Ministerial and official colleagues together to progress a number of these issues. I will give a few examples (but this list is not exhaustive!)

- a. **Child protection and Vetting** - In the recent review by my office of vetting of those who are employed or volunteer to work with children, it was clear that not only was there a lack of leadership by any one government department in terms of policy, guidance and monitoring of practice, but more worryingly a lack of ownership of the need to vet across many government departments.
- b. **Speech and Language Therapy** - This is a crucial service focused on helping children communicate effectively. The professionals providing the service are employed by the Health and Social Service Trusts but a considerable part of their work has to be within schools. This interface between education and health often does not work well, and I am especially concerned that at a policy level the Departments concerned seem to lack any urgency in developing a better coordinated approach.
- c. **Transitions for Disabled Young People** - Over three years ago the Assembly highlighted the issue of the difficulty for young people who have a disability (and especially those with a learning disability) in moving from school to adult life. This involves the Department of Education, DHSSPS, and DEL, and

an official working group was established. I have been very concerned by slow progress on this issue and lack of innovative thinking. I met with key officials in January and was told a report of the group was imminent. It has still not been published, and I am concerned that when it is, it may be inadequate to address all aspects of this vital issue.

- d. **Play** - I have corresponded with Ministers on this issue before, and highlighted the absence of an overall strategy for play in Northern Ireland, the extent to which it falls between a range of departments (DHSSPS, DE, DCAL, DSD), and how we are falling behind the rest of the UK.
- e. **Early Years Provision** - This is another issue with no clear strategy, no clear departmental lead, and inadequate funding and provision. I am sure officials will argue otherwise, but I am very concerned that this area which has been such a priority for Government nationally has simply fallen between the cracks in Northern Ireland leading to a much patchier picture here in terms of quality and adequacy of provision.
- f. **Extended Schools** Northern Ireland is just beginning to address this issue which has seized hold in England and Wales as a way of providing many more services to children in the school context. I hope this is a policy development that could be given real impetus with the appointment of the Children's Minister

5. The Children's Act 2004

I mentioned this legislation above in terms of overall outcomes for children. But what underpins this legislation is a fundamental policy shift in England & Wales, originally flagged in the Green Paper *Every Child Matters*, towards much closer working between key agencies (education, health, social services, police, housing etc) to benefit children. Earlier this year I wrote to DHSSPS asking for an analysis of how Northern Ireland stood against the provisions of the Children Act, and expressed my disappointment in relation to the lack of progress on policy and strategy.

I think it is fair to reflect DHSSPS's surprise at my disappointment, as it is their interpretation that much is being progressed here. They also highlighted, quite rightly, that a number of initiatives would require the involvement of other Departments. I would invite the Children's Minister along with Ministerial colleagues to review that analysis and consider what may need to happen in Northern Ireland in legislative and policy terms.

6. The impact of the Review of Public Administration (RPA) on Children

This follows directly from the previous point. Much of the progress in England and Wales on the *Every Child Matters* agenda has been at the local level especially with

the leadership of local authorities. In Northern Ireland we face a number of issues in responding to this agenda which are being considered by the RPA: the number of district councils with currently modest powers and responsibilities; the separation of education and social services into distinct bodies which do not share the same boundaries, the additional levels of bureaucracy in some areas eg Health Boards and Trusts. I believe a good test of the effectiveness of any proposed new arrangements under the RPA will be "How does it impact on children and young people?". I have made my views known to the RPA team on this, but believe the Children's Minister should reflect on this issue as we move towards decisions which will inevitably be for some years.

7. Prevention, Protection and Cross- Over between Children in Care and the criminal justice system

In research carried out for my office by Queens University Belfast, and in subsequent work I have been involved in, it is clear that there is significantly lower investment in prevention (i.e. working with children and families to prevent problems arising across the board in children's lives) in Northern Ireland as compared to England. Developments such as Surestart, Children's Centres etc have received much attention in England. It is clear from research that early intervention can have long term positive effects for children, in education, in health, in life skills, and in preventing admissions to care and criminal justice centres.

There is a particular issue of over-representation of young people from care ending up in secure accommodation and juvenile justice units. I accept that the behaviour displayed by some of these young people gives cause for concern, but the stories told by the young people would suggest that the tolerance threshold is lower for those caring for them, as opposed to children living at home. I think it would be appropriate for the DHSSPS to work more closely with NIO and PSNI to ensure proper preventative and therapeutic services are put in place to support these young people in care and to prevent their progression to secure accommodation and custody. Apart from the positive benefits to the young people the investment in such an approach must be cost effective in monetary terms. This kind of approach, once again, is reflective of the *Every Child Matters* thinking in England.

I appreciate that I have set out an extensive agenda for the Children's Minister to consider. But I think the very length of this letter simply confirms the wisdom of your decision to make such an appointment. I look forward to working with all your Ministerial team and yourself on these issues in the future, and I would think an early meeting with the Children's Minister, in particular, to discuss this letter might be helpful.

The views in this letter are well known and I would plan to publish it on the NICCY website at the time of the announcement of the appointment of the Children's Minister.

Yours sincerely

Nigel Williams
Commissioner