

## **Response from the Northern Ireland Commissioner for Children and Young People (NICCY) to 'Building a Better Future Draft Programme for Government 2008-2011**

### **1.0 Introduction**

1.1 The Northern Ireland Commissioner for Children and Young People (NICCY) was established in 2003 under legislation of the same name. The primary aim of NICCY is to safeguard and promote the rights and best interests of children and young people and to 'keep under review the adequacy and effectiveness of services provided for children and young persons by relevant authorities' (Article 7(3)).

1.2 The Commissioner has a duty to advise the Government on the adequacy and effectiveness of law, policy and practice. NICCY considers that the Programme for Government is a fundamental process in ensuring that the rights of children and young people are upheld. The Programme for Government sets out the Government's priorities for the next three years, and the emphasis it places on children and young people is a key area of concern to NICCY.

1.3 The Commissioner for Children and Young People is in a unique position, in terms of accessing a wide range of views, having just completed significant comprehensive research that has not yet been published, with over 2000 children and young people across Northern Ireland, 131 professionals and 139 parents and carers. We will use the information gained from that as yet unpublished research to inform our response to this consultation.

### **2.0 Children's Rights**

2.1 NICCY's role as already stated is to safeguard and promote the rights and best interests of children and young people. In doing so, we follow the guiding principles of the UNCRC, its minimum standards being the basis from which to assess the adequacy and effectiveness of law and policy. Although not enshrined in domestic legislation, in signing up to the Convention, the UK government has made a clear commitment to children that it will adhere to the rights set out therein.

2.2 The UK Government (including Devolved Administrations) is required to be examined by the Committee on the Rights of the Child in 2008; NICCY is conscious that the Government has already submitted its report, outlining how it



feels it has upheld the rights of the Convention in relation to children and young people. NICCY will be providing a shadow report as part of a UK wide Commissioners report, highlighting where we think Government has failed to uphold the rights of children and young people as set down by the Convention.

2.3 During the course of our work, NICCY has reviewed all government policies against a tool developed by our colleagues within the Scottish Commissioner's Office, for impact on Children and Young People's rights. NICCY believes that all government strategies, policies and plans should be subject to a full Children's Rights Impact Assessment (CRIA) by the relevant Department, to assess the impact of legislation or policy on children and young people's rights. We have attached a copy of the CRIA for your use at appendix one.

2.4 NICCY appreciates that there are often complexities when reconciling the rights of children and young people with their best interests, however we urge the Executive to ensure that the actions outlined in the Programme for Government do not contravene the UNCRC, and in fact promote the rights of children as detailed in the Convention.

2.5 The Committee on the Rights of the Child in its concluding observations for the UK and Northern Ireland in 2002 recommended *'that the state party undertake an analysis of all sectoral and total budgets across the state party and in the devolved administrations in order to show the proportion spent on children, identify priorities and allocate resources to the "maximum extent of...available resources".'* In preparing the Programme for Government, we believe that consideration should have been given to this observation by the Committee. This is especially important given the report jointly commissioned by OFMDFM, DFP and NICCY into expenditure into Children's Services in Northern Ireland<sup>1</sup>, which highlighted significant disparities in spending which had consequential negative impacts on services for children and young people in Northern Ireland. NICCY is disappointed that the findings of this report have not been used to influence the priorities for the Assembly.

### **3.0 Consultation with children and young people**

3.1 NICCY has regularly expressed through a broad range of policy and consultation work, concern that Section 75 is not being adequately enforced in respect of the age criterion and that public authorities are consistently failing in their duty to meaningfully consult with children and young people on issues that

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<sup>1</sup> An analysis of Public Expenditure on Children in Northern Ireland (2007)



have direct relevance to their lives. Article 12 of the UNCRC also provides that children have the right to express their opinion in matters directly impacting upon them.

3.2 In addition to this Action 4.1 of Our Children and Young People - Our Pledge Action Plan 2007-2008 which states '*consider the views of children and young people in the development of new policy that impact on their age group*' reinforces the need for direct consultation with children and young people. NICCY would be keen to be informed of the processes by which the views of children and young people were sought prior to development and publication of the current consultation document and how their opinions will be sought in response.

#### **4.0 Comments on the Draft Programme**

4.1 NICCY notes and supports the emphasis on building a peaceful, fair and prosperous society. It is NICCY's desire that children and young people should play a key role and therefore from the outset, we would like to express our concern at the lack of focus on children and young people. While we recognise that aspects of the priorities relate to children and young people, for example, we welcome actions to eradicate child poverty, to improve mental health provision, reduce deaths on the roads and address inequalities in educational attainment, we believe that there are significant cross-departmental issues which warrant children and young people being seen as a priority in their own right. Alongside Children being identified as a priority for Government we would like to see a range of associated actions to improve health, education, eradicate poverty etc, and develop a culture which values children and young people.

4.2 To this end we would ask that The Programme for Government is reviewed and references the implementation of 'Our Children and Young People - Our Pledge' the ten year strategy for children and young people as a key goal.

- **NICCY recommends the inclusion of a key goal to implement the strategy 'Our Children and Young People- Our Pledge'.**



## **5.0 Growing a Dynamic, Innovative Economy**

5.1 In order to grow a dynamic innovative economy, the Executive and Assembly must recognise the importance of investing in children and young people. Research<sup>2</sup> has shown the benefits of investing in the skills of children in the early years. Investing in improving the skills of adult workers leaves fewer resources to invest in the young who are more trainable. Investment in human capital is likely to be more effective and produce more favorable outcomes in the long run if it is targeted at children and young people. Skill remediation programs for adults with severe educational disadvantages are much less efficient and have less of an impact compared to early intervention programs that focus on children and young people. At current levels of investment, investing in children and young people is likely to be more cost-effective in the long term. NICCY would urge the Executive to prioritise children and young people in its investment strategy.

5.2 There are numerous actions contained in 'Our Children and Young People- Our Pledge' that if implemented would have a positive affect on the economy and public spending. For example: actions to improve the health of children and young people such as reducing the number of primary one pupil's who are obese through early intervention will save further expenditure in long term.

## **6.0 Promote Tolerance, Inclusion and Health and Well Being**

6.1 NICCY welcomes the actions aimed at children and young people in this priority area; such as eradicating child poverty, increasing participation in sport and recreation, reducing numbers on the child protection register and reducing the number of deaths on our roads. However we remain concerned that the goals of tolerance, inclusion, health and well-being are not addressing other key issues affecting children and young people living in Northern Ireland.

6.2 While mention has made to racism and respect for cultural diversity, there has been no explicit reference made to the increase in migrant workers and their families and the challenges this poses to our society. If the Executive is committed to promoting inclusion then actions must be agreed which provide support to these new communities who face discrimination on a daily basis.

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<sup>2</sup> Heckman J, Invest in the Very Young



6.3 While undertaking research earlier this year, into children's rights in Northern Ireland, NICCY staff were concerned at the explicit racism displayed by children and young people; by the marginalization of children from Travelling and Migrant communities; by the continued segregation and sectarianism and by the lack of opportunities for all children especially disabled children to participate in play and leisure.

6.4 NICCY also identified continued exclusion of certain groups of children in the education systems, and access to certain services across health and social care weighted towards the population living near Belfast. The Executive must ensure equal access to all services, including health and education if we are to succeed in promoting an inclusive society.

- **NICCY recommends the inclusion of a key goal to support the needs and promote the inclusion of migrant workers, ethnic minorities and their families in our communities**

6.5 The goal included under this priority to reduce road deaths by 50%, while welcome, is not ambitious enough, and will not have a significant impact road safety. Research<sup>3</sup> carried out by NICCY has shown road safety to be an important issue for children and young people, especially those living in isolated rural areas. NICCY believes that no child or young person should lose their life as a result of an accident on our roads.

- **NICCY recommends the goal to reduce by 50% the number of children seriously killed on our roads should be amended to read 'by 2012 ensuring that no children or young people are killed on our roads'.**

6.6 NICCY believes that the key goal relating to the treatment of people with mental health difficulties in hospital is not focusing on the wider issues and the severe problems affecting our mental health service. The Bamford review has recommended a number of important changes that must be made to mental health provision; we believe the implementation of the Bamford review is

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<sup>3</sup> Kilkelly et al (2004) Children's rights in Northern Ireland

<sup>3</sup>Hine, J., Mackey, S., Gunay, B., 'Safer Journeys to School' (2006), Belfast: NICCY; The research was commissioned in partnership with the Department for Regional Development and the General Consumer Council



essential to improve the health and well being of the population. In particular we want to see the full implementation of the review of Child and Adolescent Mental Health services. It is of significant concern to NICCY that the funding allocated to support the Bamford recommendations falls hugely short of that required. NICCY notes the Minister for Health's announcements that mental health is a key priority for his office, and that the services, which he calls "Cinderella services", have hitherto been underfunded. NICCY believes that in order to make mental health services better, then resources must be allocated. We recommend that this is reviewed as a matter of urgency.

- **NICCY recommends the inclusion of a key goal to fully implement the recommendations of the Bamford Review. We further recommend that additional resources are allocated to enable the recommendations to proceed.**

6.7 NICCY believes that early intervention across the board, in terms of services for children and young people, is essential in enabling children achieve their potential, and enjoy a reasonable standard of health and wellbeing. This is applicable to Children and young people with a learning disability who should have access from the point of diagnosis to prompt, appropriate, and accessible services in the community; NICCY welcomes the inclusion of this key goal and urges the Executive to ensure the budget for DHSSPS is in place to support such a vital recommendation.

6.8 As previously stated NICCY welcomes the key goal to reduce Child Poverty, however the current anti poverty strategy will not deliver on this key goal. The strategy needs to be accompanied by a comprehensive action plan; this action plan, which should take each target and break it into smaller interim goals that are time bound, and can be measured at regular intervals.

## **7.0 Protect and enhance our environment and natural resources**

7.1 NICCY welcomes the key goals to protect and enhance the environment and natural resources; however we would urge the Executive to include targets for recycling within the civil service. Children and young people are increasingly taking a positive interest in the environment, and we believe there is a unique opportunity to capitalize on the energy of children to ensuring we protect the environment.



## **8.0 Invest to build our infrastructure**

8.1 NICCY recognises the importance of infrastructure to vital services throughout Northern Ireland. We particularly welcome investment in school estates and youth services.

8.2 Social and affordable housing has a direct affect on families and children living in poverty, we believe that investment into social housing should be used to increase the stock of the Housing Executive and Association properties; this will provide an alternative for families on low incomes who are forced into the higher priced private rented sector. NICCY is concerned that the key goal to invest £1.4bn in social housing is not reflected in the Draft budget for the next three years, with the budget for the Northern Ireland Housing Executive declining.

8.3 NICCY would urge the Executive to ensure that the investment strategy is targeted at areas of high child poverty. Improving the road and rail infrastructure, identifying opportunities for investment in job creation will encourage economic growth in these areas. This will provide a route out of poverty for some families who are dependant on benefits by offering them well paid job opportunities.

## **9.0 Deliver modern high quality and efficient public services**

9.1 NICCY recognises the need for efficiency and modernisation of public services, in fact in reviews carried out by NICCY, we have identified that improvements in service delivery in some areas have been at no, or low additional costs. We therefore urge the Executive to ensure that front line services are not affected negatively, but are enhanced through efficiency management.

9.2 NICCY would like to be assured that plans to introduce a single telephone number contact point for public services, are efficient, cost effective, and are in the best interests of the public. We have direct experience of lengthy waiting times, and a series of automated responses, before being connected to the correct advisor. This has significant impact on cost, and often on the emotional well-being of the caller and this can also have the consequence of hanging up, which is not good, if reporting a significant event, such as child protection.



9.3 Increasing the uptake of benefits is essential in the fight to eradicate child poverty, we believe this would be best achieved through locally provided and accessible services as opposed to a single telephone line that everyone would have to contact. This is particularly important in light of the low take-up of certain child related benefits.

9.4 NICCY believes the modernisation of public services and the implementation of the Review of Public Services provides the Executive with an excellent opportunity to implement and monitor child protection procedures across all government departments and agencies.

- **NICCY recommends the inclusion of a key goal to implement and monitor child protection policies, procedures and practices across all Government Departments, Agencies and District Councils.**
- **NICCY recommends that the Accounting Officer should be required to report annually on child protection.**

## **10 .0 Conclusion and Recommendations.**

10.1 NICCY is concerned that the needs of children and young people have been largely ignored in the Programme for Government. The ten year strategy for children and young people 'Our Children and Young People- Our Pledge' while not as robust as it should have been, it does provide a basis for positive in actions in key areas across a range of Government Departments and Agencies. The implementation of this strategy must be included in the Programme for Government.

10.2 NICCY hopes that adequate resources will allocated through the budget to bring forward these actions and ensure that the key goals outlined in the programme are achieved.





10.3 In conclusion we recommend the following issues for your further consideration:

- **NICCY recommends the inclusion of a key goal to implement the strategy 'Our Children and Young People-Our Pledge'.**
- **NICCY recommends the inclusion of a key goal to support the needs and promote the inclusion of migrant workers, ethnic minorities and their families in our communities**
- **NICCY recommends the goal to reduce by 50% the number of children seriously killed on our roads should be amended to read 'by 2012 ensuring that no children or young people are killed on our roads'.**
- **NICCY recommends the inclusion of a key goal to fully implement the recommendations of the Bamford Review. We further recommend that additional resources are allocated to enable the recommendations to proceed.**
- **NICCY recommends the inclusion of a key goal to implement and monitor child protection procedures across all Government Departments, Agencies and District Councils.**
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## Appendix one

### CHILDREN'S RIGHTS IMPACT ASSESSMENT

#### SECTION 1: SETTING THE GENERAL CONTEXT

Outline NICCY's statutory obligation (see para 1.1)

What is being proposed? (aim, objective of the proposal)

**Policy**   
**Legislation**   
**New**   
**Existing**

Who initiated the proposal and who will implement it (i.e. local authorities, police, health boards?)

Is there a list of organisations that are being consulted and is this list representative?

**YES**  **NO**

Is there specific information on the time scale needed to implement this proposal?

**YES**  **NO**

Is the timescale a matter for concern?

**YES**  **NO**

Will the proposal be monitored?

**YES**  **NO**

Is the issue of funding addressed?

**YES**  **NO**

#### SECTION 2: SETTING THE LEGISLATIVE CONTEXT

Which articles of the UNCRC are relevant? (List in order of relevancy remembering the four overarching principles of the convention i.e. article 12 (right to be heard), 6 (right to survival and development), 3 (best interest), and 2(non-discrimination).



Does the policy contravene any other known legislative document (i.e. ECHR)

How does it relate to other government targets?

**SECTION 3: SETTING THE RESEARCH CONTEXT**

Does the policy fall within NICCY's priority area? If yes, please update steps NICCY has taken to address this issue?

**Yes**  **No**

What background information is available from the Queen's research, NICCY's complaints procedures, CHASS database and/or consultations to help evaluate this proposal?

In addition to consulting the relevant databases in the QCAT library and other web related sources, please tick that you have consulted:

- |                      |                          |  |                          |
|----------------------|--------------------------|--|--------------------------|
| Queen's report       | <input type="checkbox"/> | Information from participation work    | <input type="checkbox"/> |
| Shout report         | <input type="checkbox"/> | Consultation responses                 | <input type="checkbox"/> |
| NICCY inquires       | <input type="checkbox"/> | Case work logged on the CHASS database | <input type="checkbox"/> |
| Research/reviews     | <input type="checkbox"/> | UNCRC Concluding Observations          | <input type="checkbox"/> |
| Research in practice | <input type="checkbox"/> | ARK Database                           | <input type="checkbox"/> |
| EPPI-Centre Database | <input type="checkbox"/> | Social Science Research Unit           | <input type="checkbox"/> |

**SECTION 4: CONSULTATION**

Which group/s of children will be affected by the proposal?



Will there be any additional affects on any group of children listed in para 4.1?

How might the proposal positively affect this group?

How might the proposal negatively affect this group?

Has there been any consultation in the development of the policy with;

**cyp**

**stakeholder**

Is the Steering group made up of a representative sample interested parties?

**Yes**  **No**

**SECTION 5: RECOMMENDATIONS**

Are there any measures which might mitigate any adverse impact or are there alternative policies that might better achieve the promotion of rights and best interests of children and young people?

What recommendations should be made?

**SECTION 6: DISSEMINATION AND FOLLOW UP**



<p>Should the implementation of the proposal be monitored?          (Give reasons)</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p><b>No</b> <input type="checkbox"/></p>
<p>Is further research needed to assess the impact of the proposal on children once it has been implemented?          (Give reasons)</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p><b>No</b> <input type="checkbox"/></p>
<p>Have the recommendations made as a result of the CRIA been considered or acted upon?</p>	<p><b>Yes</b> <input type="checkbox"/></p> <p><b>No</b> <input type="checkbox"/></p> <p><b>NA</b> <input type="checkbox"/></p>

**Signed :**

**Date :**

