Section A: NICCY’s Advice to the NI Executive on the development of the NI Children and Young People’s Strategy

Incorporating reports of workshops held with Civic Society Organisations and NICCY’s Youth Panel

15 July 2016

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Introduction

The Office of the Commissioner for Children and Young People (NICCY) was created in accordance with ‘The Commissioner for Children and Young People (Northern Ireland) Order’ (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities.

The Commissioner’s remit includes children and young people from birth up to 18 years, or 21 years, if the young person has a disability or is / has been in the care of social services. In carrying out her functions, the Commissioner’s paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising her functions, the Commissioner has regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

This report is divided into three sections.

**Section A** contains the Northern Ireland Commissioner for Children and Young People’s (NICCY) interim advice to the Northern Ireland Executive on the development of its Children and Young People’s Strategy, which is required to be produced under Section 5 of the Children’s Services Co-operation Act (Northern Ireland) 2015 by 9 December 2017. At the end of each Outcome area, we have made a list of recommendations which have been informed by the workshop discussions, the survey responses received, NICCY’s work and we have taken some directly from the UN Committee’s Concluding Observations following its examination of the UK Government’s compliance with its obligations under the UNCRC in June 2016. Where the wording of a recommendation has come directly from the Concluding Observations, this has been highlighted.

**Section B** provides an overview of the relevant articles of the UNCRC, General Comments and the Committee’s Concluding Observations 2016[[1]](#footnote-1) for each well-being outcome specified under the Children’s Services Co-operation Act (Northern Ireland) 2015. Section 1(4) of the Act requires that,

“*In determining the meaning of the well-being for the purposes of this Act, regard is to be had to any relevant provision of the United Nations Convention on the Rights of the Child”.*

**Section C** contains a report of consultative workshops held by NICCY with civic society organisations and with the NICCY Youth Panel over three days in May 2016. The purpose of these workshops was to inform NICCY’s advice to the NI Executive on the development of the Children and Young People’s Strategy, but NICCY also committed to publishing the notes of the discussions and subsequent feedback in full.

The Programme for Government 2016 - 2020

The Children and Young People’s Strategy should be the framework under which all work by Government in Northern Ireland, in the provision of services for children and young people, is undertaken. **The ultimate goal for Government Departments and Agencies in the delivery of children’s services should be to improve the well-being of children and young people in a manner which ensures the realisation of their rights.**

The Commissioner is pleased that Outcome 14 of the draft Programme for Government framework focuses specifically on children: *‘We give our children and young people the best start in life’*. The delivery mechanism for this outcome must be the Children and Young People’s Strategy, in accordance with the Children’s Services Co-operation Act (Northern Ireland) 2015. The obligations under the Act should inform all of the work undertaken by Government Departments and Agencies to improve the lives of children and young people in Northern Ireland under this electoral mandate and over the longer term.[[2]](#footnote-2)

****The Children’s Services Co-operation Act (Northern Ireland) 2015****

[The Children’s Services Co-operation Act (Northern Ireland) 2015](http://www.legislation.gov.uk/nia/2015/10/contents/enacted) is the most significant legislative development relating to children in Northern Ireland for many years, as it provides a statutory framework to improve the well-being of children and young people in a manner which realises their rights. The Act places obligations on Departments and Agencies to co-operate with each other in order to contribute to the improvement of specified well-being outcomes for children and young people. It places a further statutory obligation on Government to adopt a Children and Young People’s Strategy outlining how this will be achieved. This is, as highlighted previously by NICCY, in line with the UN [Committee on the Rights of the Child’s General Comment No. 5 on the General Measures of Implementation of the UNCRC which obliges State Parties to produce a ‘national action plan for children’.](http://www.unicef-irc.org/portfolios/general_comments/GC5_en.doc.html)

Reporting:

on actions, progress, cooperation and outcomes.

*June 2017, 2020*

Reporting:

on delivery of UNCRC rights, Concluding Observations.

*Around 2021*

8. Equality & good relations

7. Society respects rights

6. A positive contribution

5. Economic & environment

4. Safety & stability

3. Learning & achievement

2. Play & leisure

1. Physical & mental health

Requires :

* National action plan for children
* Implementation of rights
* Concluding Observations implemented

Requires :

* Strategy laid Dec 2016
* 8 outcomes
* Stat agencies cooperate

Permits pooled budgets

Children & Young People’s Strategy & Action Plan

Programme for Government 2016-21

*Reports must inform next PFG*

****Definition of the Well-being of Children and Young People****

Eight outcomes are set out in Section 1 of the legislation which define the well-being of children and young people and in determining the meaning of well-being for the purposes of this Act, regard is to be had to any relevant provision of the United Nations Convention on the Rights of the Child.

To deliver on its statutory obligations contained in Section 3 of the Act, the NI Executive must set out in its Children and Young People’s Strategy how it intends to improve the well-being of children, and the actions to be taken by Northern Ireland Departments, among others, for the purpose of realising those outcomes. According to Section 10 of the Act, the first Strategy must be laid before the Assembly prior to the end of the 12 month period beginning on the day the Act received Royal Assent, i.e. by 9th December 2016.

****The Obligation to Prepare a Report on the Operation of the Act****

There are also obligations under Section 5 of the Act on the NI Executive to prepare a report on the operation of the Act. The report must be laid before the Assembly and published by the NI Executive. It must include statements on:

* What actions have been taken by the NI Executive, and Government Departments, for the purpose of achieving the outcomes set out in the Children and Young People’s Strategy;
* What progress has been made towards achieving those outcomes, or the extent to which they have been achieved;
* How children's authorities and other children's service providers have co-operated with each other in the provision of children's services;
* How children's authorities have exercised their powers to share resources and pool funds; and
* How the well-being of children and young people has improved.

The report should also identify:

* Any further opportunities for co-operation between children's authorities and other children's service providers which could help to achieve the outcomes set out in the strategy;
* Any other ways in which the well-being of children and young people could be improved; and
* Any ways in which the Children and Young People’s Strategy might be revised in order to contribute to those improvements.

The Act requires the NI Executive to prepare a report not more than 18 months after the date it adopted the Children and Young People’s Strategy and thereafter at intervals of not more than 3 years.

****Ongoing, Transparent Monitoring in the Delivery of Children’s Services****

All Government Departments and agencies who are involved in the delivery of children’s services must, therefore, carry out ongoing, transparent monitoring on its work within the statutory monitoring context required by the Children’s Services Co-operation Act (Northern Ireland) 2015.  This will make the reporting requirements of the Act easier to comply with on an ongoing basis and should impact on how Government Departments focus their work, with a clear emphasis on children’s rights - with the child at the centre of delivery of children’s services and co-operation and best use of resources as fundamental guiding considerations. Adopting the Children and Young People’s Strategy as the mechanism for delivering Outcome 14: *‘We give our children and young people the best start in life’* in the final version of the Programme for Government, should streamline the reporting process.

To address breaches of children’s rights in Northern Ireland will often require a cross-departmental and cross-agency approach. NICCY is hopeful that the statutory obligation on Government Departments and Agencies through the Children’s Services Co-operation Act (Northern Ireland) 2015 to co-operate in the provision of children’s services will go some way to ensuring that deeper, societal issues which impact on the ability of all children to develop to their maximum potential will be more fully addressed. NICCY welcomes the ‘outcomes’ approach in the draft Programme for Government, and the clear commitment to using indicators to monitor delivery on the commitments. This will also enable the Executive to deliver on the statutory reporting requirements contained in the Children’s Services Co-operation Act (Northern Ireland) 2015. This monitoring should be carried out on an ongoing basis as this will allow for clear lines of accountability and transparency as required of public office holders and those engaged in the delivery of public services.

The Strategy as the ‘NI Executive Action Plan for Children’

Article 4 of the UNCRC requires governments to fully implement the Convention for all children within its jurisdiction:

*“States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.”*

As previously mentioned, the UN Committee on the Rights of the Child has advised governments that they should produce ‘National Action Plans’ in which they outline how they will implement all the provisions of the UNCRC. Its General Comment 5 provides useful information on the mechanisms governments should employ in implementing their obligations under the Convention, and provides considerable detail on what the ‘national strategies’ should include. It states:

*“If government as a whole and at all levels is to promote and respect the rights of the child, it needs to work on the basis of a unifying, comprehensive and rights-based strategy, rooted in the convention.”*

The General Comment states that this should:

* Be built on the framework of the Convention;
* Take account of the concluding observations on the periodic reports,
* Relate to the situation of all children;
* Be developed through meaningful consultation with children – requiring child sensitive materials and processes;
* Identify and give priority to marginalised and disadvantaged children and young people (the non-discrimination principle);
* Be endorsed at the highest level of government, to provide authority;
* Be linked to the Programme for Government and national budgeting;
* Not be ‘simply a list of good intentions’, but set real and achievable targets in relation to the full range of rights for children;
* Be adequately resourced;
* Be widely disseminated throughout Government and to the public, including children; and,
* Include arrangements for monitoring and continuous review, for regular updating and for periodic reports to parliament and to the public.

These are important guidelines for the development of the Children and Young People’s Strategy in Northern Ireland.

In its examination of the UK and devolved governments in May 2016, the Committee emphasised the need for a Children and Young People’s Strategy to realise children’s rights under the UNCRC by each government, and that these should be co-ordinated under a UK-wide strategy for children and young people. In its ‘Concluding Observations on the fifth periodic report of the United Kingdom of Great Britain and Northern Ireland’, (hereafter Concluding Observations 2016) published in June 2016, the Committee made the following recommendation:

*“****Comprehensive policy and strategy***

*8. The Committee recommends that the State party:*

*(a) Revise the UK-wide strategy, Working together, achieving more (2009) to cover all areas of the Convention and ensure its full implementation;*

*(b) Adopt comprehensive action plans for the implementation of the above-mentioned strategy in England and Northern Ireland.*

*In doing so, the Committee recommends that the State party allocate sufficient human, technical and financial resources, set up clear timelines as well as a monitoring and evaluation framework for the implementation of the strategy and the action plans, and pay special attention to children belonging to the most vulnerable groups.”*

Thus, the Children and Young People’s Strategy must identify specific issues affecting children in Northern Ireland and outline how the NI Executive will deliver on these issues. While the Strategy should be for all children, it also needs to identify and target those who are particularly vulnerable.

The new Strategy cannot be merely a set of positive statements, or principles, but must be the road map as to how to make a real difference to children’s lives. This is not an administrative exercise, pulling together actions that have already been planned, but a mechanism for pulling together all stakeholders to find cross departmental and cross agency solutions to the most protracted issues facing children. The Children and Young People’s Strategy, at its core, has to be about the implementation of children’s rights and should be the implementation plan for the UNCRC.

The UN Committee on the Rights of the Child’s examination of the UK and devolved governments has provided very timely and specific advice that should inform the development of the Strategy. In section B of this report we have indicated the relevant Concluding Observations 2016 under each of the eight outcomes.

Co-operating in the delivery of the well-being outcomes for children

In 2015 NICCY commissioned the Centre for Children’s Rights at Queen’s University Belfast to gather evidence in relation to best practice in ‘joined up working’ in other parts of the UK.[[3]](#footnote-3) Their report, ‘Reporting on Best practice in Cross-Departmental Working Practices for Children and Young People’ found that a statutory duty to co-operate could be a powerful tool if underpinned by a supportive architecture, and cultural change.

Specifically, it found ten elements which helped to facilitate joined up working:

1. A clear mandate and leadership;
2. A shared vision and a sense of shared ownership among all involved in the development and outworkings of the legislation;
3. The development of systemic and shared training on the adopted legislation and its implications for policy, service delivery and practice for all those upon whom anticipated duties will fall;
4. The development of guidance to accompany legislation; both in the context of joint working generally and pooled budgets specifically. This could include examples of best practice;
5. Clear and effective communication structures;
6. Clarity on the kinds of information/data that need to be collected to allow effective monitoring to take place;
7. A common means of information sharing;
8. The development of a concise reporting template;
9. Clearly defined monitoring and accountability lines; and
10. Outcomes based monitoring and ongoing evidence-based impact evaluation; that is, measuring not just the kinds of and extent of joint working that is taking place, but the impact of such joint working on outcomes for children and young people and their families.

It is important that there is a process of ensuring that all ‘children’s authorities’ including Government Departments and their Agencies are aware of the statutory duties placed on them by the Children’s Services Co-operation Act (Northern Ireland) 2015, as well as the enablers - including the development of the Strategy and the powers to share resources and pool funds. It would also be helpful for Government to consider the mechanisms it needs to put in place to ensure that it truly is working in a way that facilitates co-operation. The findings of the report above will help to inform these considerations.

Engagement with children and young people in developing and implementing the Strategy

In addition to the statutory obligation to consult with children and young people in the development of the Children’s Strategy under section 75 of the Northern Ireland Act 1998, section 3(4) of the Children’s Services Co-operation Act (Northern Ireland) 2015 sets out the groups with which the Executive must consult before it adopts its Children and Young People’s Strategy. It states:

*“Before adopting the strategy, the Executive must consult--*

*(a) children and young persons,*

*(b) parents and guardians of children and young persons,*

*(c) such persons representing the views and interests of children and young persons as the Executive thinks appropriate, and*

*(d) such other persons as the Executive thinks appropriate.”*

NICCY has provided advice separately to the Children and Young People’s Unit on how it should engage with children and young people in relation to the development of the Children’s Strategy and the NICCY Youth Panel’s advice on participation is attached in Section D - Appendix 1.

Advice on the Strategic Outcomes

In the following pages we provide an introduction to each outcome, a summary of the discussions at the civic society and NICCY Youth Panel workshops, and then list a series of NICCY’s recommendations for actions to be included under each outcome. These recommendations are informed by the Concluding Observations 2016 and the workshop discussions, and reflect NICCY’s priorities. However, they are not intended to be comprehensive of all the issues to be addressed under the Children and Young People’s Strategy.

It should be noted that delivery on all outcomes should be the focus; it is not necessary or helpful to prioritise some outcomes over others. In all of the outcome areas under the Children’s Services Co-operation Act (Northern Ireland) 2015, the four principles of the United Nations Convention on the Rights of the Child (UNCRC) are relevant and should be given cognisance. The UNCRC is a set of minimum standards that the UK Government and its devolved administrations have committed to upholding for all children through ratification of the Convention. The principles of the Convention are Article 2, children should not be discriminated against on any ground, Article 3, the best interests of the child should be the paramount consideration, Article 6, the child’s right to life and to survive and develop to his/her maximum potential, Article 12, the right of the child to have their view heard and taken into account in decisions which impact on their lives.

There are a number of themes that need to be considered across the entire Strategy. The first is the need for early intervention and prevention approaches to be adopted under each outcome. Research has been conducted on the savings that can be made from investing in early intervention and prevention services, as doing so often prevents more significant and expensive intervention at a later stage. However, this approach suggests that savings are more important as a motivator than the life outcomes of the children and young people affected. Investing in early intervention and prevention approaches is vital because this can protect children and young people from worsening conditions/situations and proactively and positively respond to their needs and rights.

As has been mentioned in reference to General Comment 5, the Strategy should be for all children and young people, while having a particular focus on those who are particularly vulnerable and marginalised. Under each outcome, it will be important to consider whether any groups of children are particularly disadvantaged and, if so, to target actions to realising the rights of these groups.

In addition, one particular theme that emerged from a number of the workshops was the need for the Strategy to address the impact of the legacy of the conflict on children and young people. This should encompass a clear recognition of the trans-generational impact of the conflict, the impact of community division and the continuing impact of paramilitarism and violence within communities, with measures to address all of these over the lifetime of the Strategy. The negative impacts of the conflict on the realisation of children’s rights should be addressed across a number of outcomes as it adversely impacts on children and young people in a range of ways, including mental health, safety, homelessness for those ‘exiled’ by paramilitaries and segregation in education, sports, recreational activities and other services.

Outcome 1: Physical and mental health

It is important for the scope of the physical and mental health outcome to be clearly outlined within the Strategy. The WHO and UNICEF apply a broad definition of health which is understood as being a ‘state of complete physical, mental and social well-being, and not merely the absence of disease or infirmity’. NICCY would strongly recommend that this holistic understanding of health is applied within the strategy i.e. address the material and socio-economic conditions that influence children’s health. Health inequalities remain a critical issue for NI, the deprivation gap between the least and most deprived communities remains unacceptably high in terms of key areas of health, for example, life expectancy at birth, infant mortality rates, teenage birth rates, rates of mental ill health, and drug and alcohol related problems.

Although the outcome area should deliver for all, there are children and young people who are at a greater risk of not having their rights fully realised with respect to their health outcomes and access to health services, therefore the Strategy should include reference to the specific actions needed for these groups. This includes children living in poverty and in deprived areas, looked after children, children with a disability, children in contact with the criminal justice system, those exposed to parental mental ill health, Roma, Gypsy and Traveller children, children belonging to ethnic minorities, migrant children and LGBTIQA children.

It is also important for the actions taken in the Strategy to reflect the inter-relationship between physical and mental health as these impact on each other. Also the cross departmental, integrated services based approach that needs to be taken in order to support children and young people and their families, should be evident.

NICCY would also recommend that the Strategy takes a ‘life course approach’ to physical and mental health, recognising the importance of promoting and maintaining health at all key developmental stages i.e. perinatal period, to infanthood, through to childhood, adolescence and young adulthood.

Summary of workshop discussions

There were two parallel workshops held with civic society organisations, and one with NICCY’s youth panel. Both sets of stakeholders were asked to give their view on the critical issues that needed to be addressed in the Children and Young People’s Strategy. A summary of the main points raised by both stakeholders is outlined below. A complete list of the discussion points is available in Section C.

The majority of the discussion with professionals focused on their experiences with services that children and young people need to access. They described frustration with the lack of co-ordination, communication and integration within and between services, leading to some services “not picking up on need” or not tailoring their services to the needs of the child. These issues have been summed up very well by one participant,

*“provision should be designed to meet the individual needs - not based on labels, waiting lists, diagnosis, thresholds, but what is right for the child”.*

Professionals also highlighted the importance of early intervention; family support hubs were recognised for the positive role they play in efficient and effective signposting. However, long waiting times for services were preventing children from getting the interventions they need at the earliest possible point.

The need for ‘age appropriate’, ‘easily accessible’ services came out very strongly during the discussion with professionals and young people; young people wanted a better funded and better quality NHS which they would know how to access if they needed it. Professionals felt that children and young people were being asked to work within, “a system set up by adults” rather than a system being set up to work around them. They also highlighted the lack of transitional planning for children moving from children to adult services. They described young people falling through the gaps between services, young people not being ready to move to adult services once the age threshold was met, in many cases leading to supportive relationships being removed, leaving children feeling “terrified” and “isolated”. It was felt that relationship building was a critical aspect of any work with children and young people and needs to be built into service planning and delivery.

Both professionals and young people highlighted a lack of mental health literacy and stigma as barriers to children and young people asking for help, which raised the need for child friendly mental health awareness and education. Training and awareness raising, which shared examples of good practice, was highlighted as a necessity for professionals coming into contact with children and young people with physical or mental health needs, this includes primary care services and schools. The role of schools in mental health awareness and in promoting mental and emotional well-being came out very strongly during the discussion with young people. Although examples of good pastoral care were mentioned, young people also felt that teachers can add to their stress and anxiety by placing pressure on them to perform academically and by not recognising stress as a serious issue. There was a mixed view of school counselling, although it was deemed to be important, participants thought that the current service needed to change to ensure it was attractive and accessible i.e. mainstreamed within the school, reduced waiting times and discrete (e.g. not being called out of classroom). Both sets of stakeholders recognised that funding / resourcing would be required to make these things a priority in schools.

Professionals highlighted the need to address the causes of poor mental health, such as poverty and family instability, they also identified a lack of services for the groups of young people with whom they work, these included services for young mothers, infant mental health, drug and alcohol services, eating disorders, young people coming out of prison, support for families and siblings of children who need to travel for health care. Both professionals and young people, but particularly the latter, emphasised the need to make connections between physical and mental health - ideas raised included encouraging exercises like yoga and addressing the link between poor mental health and obesity and substance misuse.

Young people had a lot to say about the needs of those with special educational needs (SEN) and physical disabilities, in large part this was based on observing other pupils within their school. In general, they thought that there needed to be better SEN provision in schools and that greater awareness raising for teachers and pupils on conditions such as autism was needed. They also recognised a need for some schools to improve their disability access and to prioritise resources for this e.g. ramps, elevators, layout of the school, wheel chair accessible school buses.

Finally, there are a number of issues/recommendations which NICCY would like to emphasise and which should be addressed under this outcome:

NICCY Recommendations

With regard to *mental health,* there is an overarching need for steps to be taken to address the regional inconsistency in the accessibility, availability and quality of mental health services for Children and Young People. With regard to *physical health,* we would recommend that the Strategy considers all existing strategies and action plans that focus on the physical health needs of children and young people, this includes population wide issues that affect health such as obesity, dental health and breast feeding. The Strategy must also focus on those children and young people with physical disabilities and those with complex health conditions, rare or small population conditions and life limiting conditions. There are a wide range of reforms needed to ensure this group of children and young people and their families are properly supported.

1. **Urgently invest in child and adolescent mental health services to ensure that needs are met at the earliest stage possible.**
2. **Ensure all children and young people have access to a full range of age appropriate child and adolescent mental health services i.e. prevention, early intervention, specialist or intensive intervention.**
3. **Address gaps in specialist in-patient provision, to include, alcohol and drugs, forensic psychology, places of detention, and eating disorders.**
4. **Address gaps in access to community based therapeutic services, including conflict related trans-generational trauma, suicidal ideations/ self harm, sexual abuse (including CSE).**
5. **Ensure all children and young people have access to high quality school-based interventions designed to enhance social and emotional well-being and identify and respond to developing mental health issues.**
6. **Develop information systems that will identify and monitor need so that resources can be directed appropriately, including, a population based prevalence survey of mental health, an annual audit of CAMHS service, and annual expenditure in NI.**
7. **Develop a regional wide mechanism for the ongoing participation of Children and Young People as mental health service users, in respect of their own care and to inform the development of services.**
8. **Workforce planning and training to ensure there are adequate numbers of suitably trained staff to offer real choices for children and young people in terms of support, intervention and treatment options.**
9. **Ensure that children and young people with mental ill health and / or learning disability have equal access to child rights compliant legislative protections and safeguards. In particular, children and young people should have access to protections and safeguards equivalent to or better than those afforded to over 16s under the Mental Capacity Act (Northern Ireland) (2016).**
10. **It is important for the Strategy to consider the social, emotional and financial support needs of families who have child/ren with a disability, this includes the specific needs of siblings i.e. respite breaks, childcare, advocacy, peer support, advice and cost of travel for treatment etc.**
11. **Take action to ensure that reasonable adjustments are made across a wide range of areas to facilitate the inclusion of children with disabilities and their families i.e. education, leisure, transport.**

Additional recommendations from the UN Committee’s Concluding Observations 2016

1. **Ensure that meaningful sexual and reproductive health education is part of the mandatory school curriculum for all schools, including special schools and youth detention centres and for LGBTI pupils.**
2. **Decriminalise abortion in Northern Ireland in all circumstances and review the legislation with a view to ensuring girls’ access to safe abortion and post-abortion care services. The views of the child should always be heard and respected in abortion decisions.**
3. **Systematically collect data on food security (hunger) and nutrition for children, including those relevant to breastfeeding, overweight and obesity, in order to identify root causes of child food insecurity (hunger) and malnutrition.**
4. **Regularly monitor and assess effectiveness of policies and programmes on food security (hunger) and nutrition of children, including school meal programmes and use of food banks, as well as programmes which include infants and young children.**
5. **Promote, protect and support breastfeeding in all policy areas where breastfeeding has an impact on child health, including obesity, certain non-communicable diseases, and mental health, and fully implement the International Code of Marketing of Breastmilk Substitutes.**
6. **Mechanisms must be put in place to ensure children with disabilities are given the right to give their views and for these to be taken seriously in all matters that affect them.**
7. **Provide children with disabilities with a comprehensive and integrated package of services for the transition to adulthood, from a sufficiently early stage, by co-ordinating legislation, policy and programmes across relevant sectors, and ensure fully-informed decision making involving children with disabilities on their transition both in the design of services and by providing advice and information on available options.**

Outcome 2: The enjoyment of play and leisure

NICCY welcomes the specific focus on play and leisure. Within the previous Children and Young People’s Strategy this was combined with education under the ‘Enjoying learning and achieving’ outcome. The separation of the two allows better recognition of the importance of play and leisure in childhood. The breadth of Article 31 draws attention to children’s rights to also participate in arts and cultural activities, and the role of government in providing these opportunities to children and young people.

General Comment 17 provides a compelling overview as to how this article should be interpreted. Play is indeed unique to childhood, and taking rest, leisure, play, recreational activities, cultural life and the arts together, the Committee explains,

*“together they describe the conditions necessary to protect the unique and evolving nature of childhood.”*

In times when austerity measures are implemented, the importance of play and leisure can be overlooked. However, as the Committee also highlights, they are critical to optimum development, essential to health and well-being, and help in the development of physical, social, cognitive and emotional strength and skills. They promote resilience, creativity and self-confidence, and contribute to all aspects of learning through exploring and experiencing the world around them.

Engaging in play, leisure, cultural and arts activities, when children are supported by adults, can help to build understanding and connections between generations, particularly when adults don’t seek to entirely control the interactions. Cultural activities, in particular, can help children and young people in having a sense of belonging, while at the same time developing their own identity.

The Committee’s General Comment 17 is particularly helpful in explaining the importance of ‘leisure’ in its simplest meaning: children and young people having time to rest and relax.

There have been a number of promising policy initiatives over the lifetime of the previous Children and Young People’s Strategy in relation to play and leisure, however, with rather disappointing outcomes. A Play and Leisure Policy Statement was developed in 2008, followed by a very detailed Play and Leisure Implementation Plan in 2011. This was not resourced and the implementation was very limited. Two years later, in October 2013, OFMDFM Junior Ministers announced a Delivering Social Change play and leisure ‘signature programme’ with a ‘potential’ investment of £1.6 million. However, only a very small fraction of this amount was subsequently allocated and spent.

Summary of workshop discussions

Discussions at the civic society workshop focused on the following issues:

Adults can be too prescriptive about play, and there is too much focus on fixed play equipment and structured play. There is a place for this, but it is important to create space for free, child-led play, and to value play for plays sake, rather than focussing too much on outcomes.

Increasingly for young children, educational achievement is being prioritised over play. There needs to be a ‘massive cultural shift’ to prevent children’s right to play being diminished by a cognitive, curriculum based focus within the early years sector.

Planning of our public spaces needs to be aimed at producing child friendly spaces, healthy places for children to live, to help promote good physical, emotional and mental health as well as facilitating ‘playing out’ in the same way as previous generations.

Communities tend to be very intolerant of children’s play, and too often children and young people’s harmless play and recreational activities are being described as ‘anti-social behaviour’, and a criminal justice response demanded.

Parents, professionals and regulators are concerned to minimise risk with the result that children tend to be very restricted in relation to playing outside, and play provision is often concentrated on narrow, cognitively driven approaches.

It was recognised that there was a particular absence of play and leisure opportunities for post primary young people. They are least likely to want to engage in structured play activities and their play is most likely to be seen as anti-social. They need to be safe and visible and to feel valued in their communities.

Volunteers are critical to providing play and recreational activities, and groups such as sports groups and church groups can play a key role, particularly in areas where there is a lack of other provision, for example in many rural areas.

Children and young people with disabilities face particular barriers to accessing play and leisure activities, whether these are physical barriers in relation to fixed play facilities or social barriers for disabled teenagers. As many disabled teenagers attend special schools, they can be isolated within their own communities, and it can be very difficult, and sometimes not safe, to venture out into areas other than where they live on their own to mix with other young people.

Children’s culture and language must be celebrated, and can be particularly important for BME and newcomer children. We need to look at how we make space for all languages and cultures. Language can also be a barrier to accessing play and leisure opportunities, so it would be helpful to improve information sharing for those whose first language is not English.

It was felt that technology, while not necessarily a bad thing in relation to play and leisure, could impact negatively on children and young people. Parents need more information on the impact of technology on their children.

Interestingly, while there were some common themes, the NICCY Youth Panel workshop addressed a number of other issues:

They were particularly concerned at how the amount of homework they were getting limited their time for play, leisure and interacting with friends and family. They felt that young people were under a lot of pressure from their schools, particularly in relation to exams, and without time to rest, relax and engage in leisure activities they can end up highly stressed. They felt they needed a better balance between school work and play.

There are a lot of costs involved in leisure activities, there is very little that is free. Libraries which were free had closed, and even most museums charged for entry. Participation in arts activities was seen as particularly expensive, and it was felt that the costs of arts materials including music tuition was a significant barrier to many children and young people, resulting in a ‘waste of talent’.

Sports activities are often segregated based on community background, which limits opportunities to participate in different sports and prevents cross-community interaction. Some sports are even segregated by class – e.g. grammar schools that only offer rugby and not football, with the opposite for many secondary schools.

There is a lack of leisure opportunities and facilities for teenagers in general, and this can lead to anti-social behaviour, such as vandalism of play parks. Rural communities in particular have very few facilities, and those that are available are rarely free.

Transport is a significant barrier to participation in play and leisure, particularly for those in rural areas, due to the cost and infrequent provision of public transport.

Some young people are particularly excluded from play and leisure, including young carers, children in care, and young people with disabilities.

NICCY Recommendations

It is important that there are concrete actions in the new Children and Young People’s Strategy relating to play, leisure, rest, and recreational, cultural and artistic activities. These should include:

1. **Adequate resources must be provided for play and leisure, sports, arts and culture, for all ages of children and young people. It is important that these are either free or that costs are kept to a minimum to avoid children and young people from low income households being excluded. Provision for post-primary young people must be particularly prioritised.**
2. **Councils should adopt and implement play and leisure policies, developed through meaningful engagement with children and young people. These should be embedded in their community plans.**
3. **Public planning processes must actively involve children and take account of their needs for child-friendly spaces for them to play, to take part in activities, and to ‘hang out’ together.**
4. **Play should be prioritised for play’s sake, particularly in the early years sector. Re-emphasise the importance of free play in pre-school and key stage one.**
5. **Recognising the important role of volunteers, and provide support to sports clubs, church groups and others that help to provide free play and leisure activities for children and young people.**
6. **Ensuring that children and young people with disabilities are not excluded from play and leisure activities and provide support to overcome social isolation.**
7. **Recognising children and young people’s right to rest, and review the level of homework given to children and young people to ensure that they have a reasonable ‘work/play’ balance. Young carers should be provided with support and respite time to rest and to engage in play and leisure activities.**
8. **Access to public transport should be improved to ensure that children and young people can take part in play and leisure activities.**
9. **The financial barriers for children and young people accessing arts materials including music lessons must be addressed to ensure that all children and young people have the opportunities to develop musical or artistic talents.**
10. **The segregation in sports needs to be overcome so that children can choose the sports they want to play regardless of community background.**
11. **Communities must become welcoming places for children and young people, and provide space to play / ‘hang out’ in safety. This will involve promoting more positive images of children and young people, tackling age related discrimination in communities and ensuring that a criminal justice approach is never taken as a response to children and young people playing or ‘hanging out’.**
12. **The continuing legacy of the conflict and its impact on children and young people’s safety within communities, particularly when taking part in play and leisure activities must be addressed. This is both from the perspective of safety at interfaces, as well as the role of paramilitaries and other non-state actors in controlling public spaces in communities, often with the threatened or actual use of force.**
13. **Parents should be provided with information and guidance about children’s use of technology in relation to play and leisure.**

Additional recommendations from the UN Committee’s Concluding Observations 2016

1. **Children and young people should be fully involved in planning, designing and monitoring the implementation of play policies and activities relevant to play and leisure, at community, and national levels.**

Outcome 3: Learning and achieving

The outcome of Learning and achieving encompasses the fundamental right of education, both in the sense of the right to education (Article 28), but also to the aims of education as detailed under Article 29(1). These rights should be available to all children, regardless of their circumstances. In addressing this outcome, the Strategy should articulate what is meant by Learning and achieving and this should focus on the type of education children and young people in Northern Ireland should be able to access as outlined by Article 29(1) of the UNCRC and elaborated upon by the UN Committee’s 2002 General Comment 1 on ‘The Aims of Education’. General Comment 1 provides insight into the Government’s obligations under Article 29(1) and provides clarity on what an ‘education’ should be. It states that education must be child-centred, child-friendly and empowering, with its goal being to strengthen the child’s capacity to enjoy the full range of human rights, to promote a culture which is infused by appropriate human rights values and to empower the child through developing his or her skills, learning and other capacities, human dignity, self-esteem and self-confidence. The Committee is clear that for the purposes of the UNCRC education obligations, ‘education’ should go far beyond formal schooling to embrace the broad range of life experiences and learning processes which enable children, individually or collectively, to develop their personalities, talents and abilities and to live a full and satisfying life within society.

Educational inequalities remain a serious issue in Northern Ireland. There are a number of groups of children and young people who are not fulfilling their potential in education as the Government is obliged to ensure under the UNCRC. The educational attainment gap between the least and most deprived communities remains unacceptably high, boys are being outperformed by girls across every income bracket, the gap in attainment between secondary and grammar schools continues to exist with the perpetuation of the ‘grammar school effect’ through the continued use of transfer exams which are now unregulated and unsanctioned by Government.

In addressing this outcome, specific regard must be given to the particular circumstances of groups of children who are more likely to face barriers in accessing their rights under this outcome. Examples of this include children who are least likely to attain in education and those who face multiple adversities, including children in poverty, looked after children, children with disabilities, children with mental health problems, children with special educational needs, children in the juvenile justice system, Newcomer, Traveller, Roma children and young carers. The Strategy should make pro-active recommendations about how it intends to remove the barriers that these and other groups of children face in achieving their full potential in education. Clear targets must be set to achieve this goal and these should be closely monitored. This will involve an intensive and genuine cross-departmental and cross-agency approach to address all of the reasons why children are not achieving in education and meeting their full potential.

Summary of workshop discussions

The civic society workshop discussion focused on the question, what is an ‘education’, particularly in light of Article 29(1) of the UNCRC and General Comment 1. Questions such as ‘what is achievement?’ and ‘how do we measure achievement?’ were discussed at length. Participants felt that we should be giving all children an education which is compliant with Article 29(1) of the UNCRC and that there needs to be a much clearer focus in education on developing the talents and abilities of children and young people, measuring well-being and individual progress, rather than simply grades. They also felt that the use of published league tables is having a detrimental impact on the development of the talents of children in areas other than purely academic and is putting pressure on children to attain, rather than learn and enjoy school. The unknown impact on children’s mental health as a result of this pressure needs to be determined and addressed. The young people’s workshop also highlighted this issue and participants felt that schools are very concerned about their image and doing well in league tables, which is putting severe pressure on children’s mental health. The young people felt that there was too much homework and pressure and that school was taking over their lives, rather than just being a part of it. A very clear message from both the civic society and young people’s workshops is the need to abolish the use of assessment league tables.

Civic society participants raised the issue of educational inequalities. Participants felt that the education system must meet the needs of all children and no child should be destined to fail due to their particular circumstances, including children with disabilities, looked after children, children in poverty, Newcomer, Traveller and Roma children, Protestant working class boys and young carers. The discussion focused on children with SEN and disabilities and highlighted the lack of aspiration in schools for these children in education. Participants felt that children with SEN and disabilities are not being encouraged to reach their full potential and services are not in place in relation to transition. One participant stated that with regard to these children the issue is not the child’s learning difficulties, but rather are teaching difficulties. With regard to looked after children and young carers, participants felt that the education system needs to provide a flexible response to meet their needs, rather than continue to allow these children to fail. The impact of the costs of education was raised in both workshops. Professionals raised the impact on attainment of children living in poverty and young people spoke of being humiliated in school when not able to meet some of the costs, both curricular and extra-curricular. It was suggested that there should be a fund for families having difficulty meeting the costs of education so that all children can fully participate in their education in line with the UNCRC.

Discussions in both workshops focused on the transfer test and segregation in education. Participants felt that we no longer discuss these extremely important issues as there is ‘no point’ due to political barriers in addressing them. Two clear messages from all participants was that academic selection of all kinds needs to be abolished and segregation on grounds of religion, ability, sex needs to end. We need a fully integrated system of education in NI and education must be de-politicised. It was felt that the Children’s Strategy could play an important role in this, as well as in raising standards for all.

Participants at both workshops highlighted bullying, including cyberbullying, as an issue which needs to be a greater priority in education. The need for a focus on the development of resilience skills was raised. Young people also highlighted the inadequacy of and unmet need for schools counselling services in school.

A central issue in the young people’s workshop was subject choices. Participants highlighted a lack of subject choice, being forced to do certain subjects such as RE, school timetabling determining the subjects young people can study and young people not being allowed to do subjects at a certain tier or at all, due to entry requirements. Participants felt that young people should be allowed to study whatever subjects they want to. Young people also raised the issue of their participation in education which, where structures for their participation exist, many felt was tokenistic and not meaningful.

Civic society participants felt that funding for education should be better utilised and young people felt that schools do not spend money on the right things. Teacher training was raised by professionals as an area which should be addressed as it is outdated and too academically focused.

NICCY Recommendations

The Children’s Strategy should contain clear actions relating to Learning and achieving. NICCY advises that these should include:

1. **Performance indicators and education targets should not only be concerned with educational attainment but each individual child’s personality, talents, confidence and self-esteem i.e. qualitative as well as quantitative indicators and measures. The education system must meet the needs of all of our children and young people.**
2. **The Government must invest in education to the maximum extent of available resources, in order to reduce educational inequalities.** **Resources for education should be used most effectively and fully meet the needs of every child in Northern Ireland.**
3. **A fully integrated system of education should be introduced where children of all abilities, religions and races are educated together. Shared education must be monitored, with the participation of children, in order to ensure that it facilitates social integration.**
4. **Academic selection to post-primary school must be abolished.**
5. **All children should have access to and receive, an excellent quality education. This should include children who are out of school, including those accessing ‘Education Other Than at School’, children who are excluded from school, children who have never been registered with a school, children in the Juvenile Justice system and in hospital. The quality of educational provision for these children should be closely monitored.**
6. **Use of suspensions or expulsion should be a last resort. Informal school exclusions must be examined and data collected to allow such exclusions to be identified. Informal school exclusions must be abolished.**
7. **Education should be free for all children and the costs of education should never be a barrier to all children fully participating in their education in a manner compliant with Article 29(1) of the UNCRC.**
8. **All children should be facilitated to meaningfully participate in education. Structures for the active and meaningful participation of children should be established and due weight given to their views. Particular regard should be had to ensuring the meaningful participation of children with disabilities.**
9. **Efforts to tackle bullying, including cyber-bullying and violence in schools must be urgently intensified. All children should be safe and protected in education.**
10. **Support should be given to all children who require it in education. This should include adequate counselling in schools in a manner that is not stigmatising. It should also include educational support for young carers, newcomer children without experience of formal education, children with disabilities and/ or special educational needs, looked after children and care leavers and Traveller and Roma children. Education should be sufficiently flexible to allow young people to succeed at a pace that suits their individual life circumstances and culture.**
11. **Children’s and human rights should be a mandatory part of the curriculum. The ETI should inspect how schools teach children about their rights.**
12. **Children should be able to access legal aid to exercise appeal rights which should be made available to them e.g. suspensions and exclusions. Legal aid should be made available for children of all ages to pursue appeals to the SENDIST.**
13. **Ensure all children who are not in education, employment or training can access youth training and are supported in transitioning to further education or training.**

Additional recommendations from the UN Committee’s Concluding Observations 2016

1. **Sufficient resources should be allocated for the development and expansion of early childhood care and education, based on a comprehensive and holistic policy of early childhood development, with special attention paid to the most vulnerable children.**
2. **Compulsory attendance at collective worship in publicly funded schools should be repealed to allow children to independently exercise their right to withdraw from religious worship at school.**
3. **Meaningful sexual and reproductive health education should be part of the mandatory school curriculum. This should include age-appropriate information on confidential sexual and reproductive health-care services; contraception; prevention of sexual abuse or exploitation, including sexual bullying; available support in cases of such abuse and exploitation; and sexuality, including that of LGBTI children.**

Outcome 4: Living in safety and with stability

The outcome of Living in safety and with stability encompasses some of the most fundamental rights that should be afforded to children and young people in Northern Ireland – rights to life, to protection from harm, abuse and violence, rights to family and special protections for our most vulnerable children, including those in care, refugee children and those in contact with the justice system. As with all outcomes within the Strategy, there is a significant responsibility on Government to ensure that work developed and led from this outcome fully protects and realises children’s rights and best interests.

Please note that NICCY views Living in safety and with stability as the most appropriate outcome in which to address the rights of children in the youth justice system. The inclusion of youth justice under Making a positive contribution to society, fails to acknowledge the multiple adversities faced by many children and young people who come into conflict with the law. There is a very clear profile of children who offend, in most cases children will come from socio-economically deprived areas, many will be care experienced, most will have been failed by the health and education systems and will not have had their needs met. Addressing the needs of children in the youth justice system requires an acknowledgement of their particular circumstances. It is important that focus is not solely on the negative contribution of children as being at fault for offending behaviour as implied by placing this in Making a positive contribution to society. NICCY believes that this is not a children’s rights based approach as it does not recognise the complexities around why young people come into conflict with the law and in failing to do so will not be able to appropriately and fully address this.

In addressing this outcome, the Strategy should articulate what is meant by Living in safety and with stability, acknowledging the strong interrelationship between the two areas and paying regard to the particular circumstances or groups of children who are more likely to face barriers in accessing their rights under this outcome. Examples of this include children exposed to multiple adversities, in homes affected by domestic violence, alcohol and substance use and mental illness, care experienced children, children with disabilities and young carers.

In understanding the relationship between safety and stability and recognising that promoting stability will increase children’s likelihood of living in safety, the Strategy should ensure that appropriate priority is given to early intervention and prevention. This must sit alongside recognition of the obligations on government and statutory agencies to take protective action to safeguard children who are at risk and to provide robust support for children and young people in their recovery from violence and abuse. The Strategy should identify core aspects or building blocks of stability that should be part of every child’s life, highlighting the role of Government in circumstances where this is at risk. In considering this, the document should acknowledge the importance of consistency in children’s access to services and continuity in relationships with staff and professionals, noting that this is acutely important where children and young people have not lived in safety or have experienced significant disruption to stability in their lives.

Following on from this, the Strategy should take account of the profound impact of living without safety or stability on children’s lives, including during adolescence and in the transition to adulthood. Accordingly, the document should reflect the need for young people to access extended and carefully graduated transition pathways beyond 18 and 21 years of age. The Strategy should also ensure that there are inherent connections between this and other relevant outcomes in recognition that, like children’s rights, the eight outcomes are indivisible and, like children’s lives, they cannot be understood in a compartmentalised or fragmented manner.

**Summary of workshop discussions**

Many of the concerns noted above were reflected in engagement with civic society organisations and NICCY’s Youth Panel.In discussing the protection rights of children and young people participants highlighted the issue of Child Sexual Exploitation and the importance of ensuring that the needs of boys and young men are addressed by services; that prosecutions are progressed in a timely manner; and victims offered ongoing support during this process. The importance of online safety and need for high quality awareness raising in school settings was also highlighted. More broadly in education, the need for robust pastoral care, including access to professional and confidential counselling was noted. Addressing the legacy of the conflict, including protecting children and young people from paramilitary assault, threat, intimidation and recruitment was also a theme, particularly in Youth Panel discussions.

In relation to vulnerabilities which place children at greater risk of living without safety or stability, discussions highlighted a range of particular concerns, including the impact of alcohol and substance use (including legal highs) on children’s well-being and safety and noted with concern the absence of residential drug and alcohol services for children and young people. Lack of access to safe and sustainable housing was also identified as a vulnerability factor with particular concern expressed for adolescents and young adults who may need more responsive step down housing and support services. Civic society organisations specifically debated the importance of ensuring young people having access to services, such as therapeutic support, and transition pathways beyond the age of 18 years. This included providing ongoing support for care leavers and others up to the age of 25 years.

Across NICCY’s workshops, participants identified groups of children whose rights should be of particular concern in this outcome area, including care experienced children (for instance, where milestones have not been reached and in transition to adulthood); children affected by mental health issues (including where young people are on waiting lists to receive services for urgent issues such as suicide ideation); separated children; children affected by domestic violence; children with disabilities; young carers and LGBTI children and young people. The Youth Panel drew particular attention to the importance of ensuring LGBTQIA young people have access to services and are protected. The Youth Panel also raised the impact of family breakdown on children and importance of ensuring their needs are prioritised and voices heard.

Discussions with civic society organisations also raised a number of issues regarding the structure, organisation and delivery of provision and services for children and families. This included ensuring that services were child centred and integrated, offering better continuity and having capacity to better respond to the needs of the children ‘24/7’ services. In relation to the broader structure within which services operate, participants highlighted the need to ensure the ‘architecture’ was right to deliver for children. This included ensuring all relevant strategies, legislation and policies were positioned within the overarching Children’s Strategy, that there is proper co-ordination of all plans for children, that outcomes measure significant change for children and young people, and that clear mechanisms are in place to hold government and statutory agencies to account.

With regard to criminal justice civic society participants agreed that children in criminal justice system should be placed within this outcome. Participants felt that placing it under this outcome would be a useful well-being parameter in re-imaging criminal justice. Participants felt that the profile of young people who offend needs to be a much greater consideration in the provision of a societal response to offending behaviour. There is a specific demographic group most at risk of offending. Participants were clear that we should not have a justice response to what are social care needs. This is particularly the case with regard to children with disabilities who are coming into contact with the criminal justice system. Disability is often misunderstood with children who come into contact with the criminal justice system, particularly when not medically diagnosed, such as in young people with mild to moderate learning disabilities. It was felt that a health and social care response to youth offending is required, especially in the case of children with autism and other disabilities. We should have equality for young people in the justice system who have identified learning needs. The necessity for training across all professionals dealing with young people who come into contact with the criminal justice system was raised as a priority.

Participants also highlighted the need for custody to be used as a measure of last resort. It was not felt that this is currently the case and young people being detained on remand, due to breach of bail or a lack of appropriate accommodation should not happen. There needs to be greater investment in providing alternatives to detention and appropriate accommodation for those who come into contact with the criminal justice system to prevent the need for detention.

There was a focus by professionals on the need for early intervention and prevention with regard to youth offending. It was felt that we need a community focus which offers young people at risk of offending an alternative to prevent offending. Both professionals and young people felt that we need a better understanding of why young people offend. We need to implement evidenced based practice in criminal justice i.e. what works and we need to ensure that contact with the criminal justice system in childhood does not become a barrier to a young person’s future through offending appearing on criminal records. This is particularly the case with regard to diversionary disposals which are often given for low level offending. The young people highlighted a lack of facilities for young people as a possible reason for offending and it was felt that there should be more facilities for young people.

A major part of the discussion with the NICCY Youth Panel focused on the minimum age of criminal responsibility. One young person commented that, the minimum age of criminal responsibility, *“…is so low it’s a joke”*. Many of the young people recommended that the age be increased to 16 in line with other legislation which recognises young people as gaining capacity to play a greater role in society.

**NICCY Recommendations**

It is important that there are concrete actions in the new Children and Young People’s Strategy relating to the range of issues outlined above under the Living in Safety and with Stability. Drawing on the above engagement in conjunction with 2016 Concluding Observations and the Commissioner’s ongoing work, NICCY recommends that the following should be addressed within this outcome:

1. **Addressing child mortality and morbidity both in infancy and throughout childhood and adolescence: including through the urgent commencement of article 3(5) of the Safeguarding Board Act (Northern Ireland) 2011 duty to review all child deaths; ensuring suicide prevention prioritises children; and addressing road safety issues.**
2. **Ensuring all measures are taken to protect children from all forms of violence: including the removal of all legal defences regarding corporal punishment; reviewing the use of restraint across all settings; protecting children from paramilitary threat and assault; and prohibiting the use of Tasers, AEPs and other devices. Data should be collected, disaggregated by age and published.**
3. **Protecting children from all forms of abuse and neglect: including amending legislation to ensure all children up to the age of 18 are equally protected from all forms of abuse; improving multiagency working and information sharing; fully implementing recommendations from the 2014 Independent Inquiry and 2015 Thematic Review into Child Sexual Exploitation; ensuring children have access to therapeutic support; and putting in place an effective strategy to respond to harmful practices against children, including FGM and early and forced marriage.**
4. **Ensuring family support, early intervention and prevention services (at all stages not just in early years) are available to all children and families on the basis of need. Such services should be recognised as a key contributor to supporting children to live in safety and with stability.**
5. **Supporting care experienced children and young people: including ensuring their best interests are at the centre of all decision making; significantly improving stability for children both in care and leaving care; and bringing forward an updated legislative framework for adoption.**
6. **Establishing extended and graduated transition pathways for young people, as needed, up to the age of 25: including ensuring continuity of services throughout children’s lives and putting in place tailored housing services and supports.**
7. **Ensuring the highest standards of care and treatment for all children in specialist residential settings across secure care, mental health and learning disability, separated children facilities and justice: including reviewing the use of secure care; making sure available provision matches the needs of children in Northern Ireland, including those in relation to drug and alcohol services and places of safety.**
8. **Ensuring the rights of children subject to immigration control and migrant children are properly protected: including making sure that all asylum seeking, refugee and migrant or newcomer children have access to basic services including education, social and health care and housing; providing separated children with an independent guardian as required by the Human Trafficking and Exploitation (Criminal Justice and Support for Victims) Act (Northern Ireland) 2015; and ensuring a best determination is central to all asylum and immigration decisions.**
9. **Taking measures to safeguard vulnerable groups: including providing necessary services and support for children with disabilities; LGBTI children and young people; children of prisoners and young carers.**
10. **The Youth Justice System should be embedded in a child care context within a Children’s System.**
11. **Full implementation of the Youth Justice Review through the Children in the Justice System Scoping Study.**
12. **Urgent and comprehensive implementation of the UNCRC Committee’s Concluding Observations 2016 which relate to children in the criminal justice system, including those not obviously justice related but which impact on children in the criminal justice system in the areas of health, education, participation, best interests, non-discrimination and the right to survival and maximum development.**
13. **The minimum age of criminal responsibility should be raised immediately in line with international standards.**
14. **Children in conflict with the law must only be dealt with within the youth justice system and never tried in adult courts.**
15. **Diversionary disposals should not appear on any disclosure of children’s criminal records.**
16. **Young people should be allowed to apply for clear criminal record when they are 18.**
17. **The imposition of indeterminate and discretionary custodial sentences for children should be abolished.**
18. **Detention should be used as a measure of last resort, for the shortest possible period of time and it must be ensured that detention is not used discriminatorily against certain groups of children.**
19. **Children should never be detained with adults. The practice of no longer detaining under 18s in Hydebank Wood Secure College must be underpinned by legislation.**
20. **The use of ‘Stop & search’ should be proportionate and non-discriminatory. Account should be taken of the age, maturity and particular circumstances of the child. Data on stop and search of children should be collected, analysed and published and disaggregated by age, sex, disability, geographic location, ethnic origin, socioeconomic background and religion. Evidence regarding the outcome and effectiveness of the use of stop and search on children must be collected and made available.**

Additional recommendations from the UN Committee’s Concluding Observations 2016

1. **The use of solitary confinement should be prohibited in all circumstances and there should be regular inspection of the use of segregation and isolation in child detention facilities.**
2. **Video recording of the interview with a child victim or witness during investigation should always take place and the video recorded interview used as evidence in court.**
3. **Collect data on measures used against children, including children aged 10-11 years, to deal with anti-social behaviours, as well as dispersal, and monitor the criteria and proportionality of their use.**

Outcome 5: Economic and environmental well-being

This outcome incorporates two quite distinct well-being measures: economic well-being and environmental well-being. It is important that these are considered separately, as well as exploring any common ground.

Economic well-being

In Northern Ireland currently there are an estimated 122,000 children living in poverty, 28% of all children, using the relative poverty (AHC) measure.[[4]](#footnote-4) While there have been year on year fluctuations, until this year there has been virtually no sustained change in the child poverty rates since measurement started in 2002-3. However, over the last two years there has been an increase of six percentage points, and there also has been a marked increase in material poverty.

The challenges of improving ‘economic well-being’, or addressing child poverty are challenging, and will require concerted action across all government departments and agencies. Analysis commissioned by OFMDFM from the Institute for Fiscal Studies suggests, however, that the child poverty rates are set to increase significantly by 2020, largely due to changes in the social security system.[[5]](#footnote-5)

While this outcome focuses on the economic well-being of children, it is also important to understand the wider relationships of poverty with poor educational outcomes and poor health outcomes. In each case these can be both causes and/or effects of poverty into adulthood. These inequalities in educational and health outcomes should be addressed under Outcome 3 and 1 respectively.

Two factors will have a major impact on the levels of child poverty over forthcoming years: the continuing impact of the recession on employment levels and incomes, and the full implementation of the ‘Welfare Reform’ changes flowing from Westminster. A £585 million package was agreed over a four year period as part of the Fresh Start Agreement in 2015 to help mitigate against the reductions in household incomes flowing from the implementation of Welfare Reform changes. However, this will not include protections for families who lose benefit payments due to sanctions introduced through welfare reform, although the maximum period sanctions can be applied has been limited to 18 months. Nevertheless, withdrawing social security to families with children, without taking into account the best interests of the children, is a significant breach of their rights, and was highlighted by the Committee on the Rights of the Child in its Concluding Observations 2016, a concern that was subsequently repeated in the Concluding Observations of the Committee for Economic, Social and Cultural Rights.

Other related areas addressed in the Concluding Observations included funding for childcare, ensuring that children should never be removed from parental care solely because of poverty, assessing the impact of social security and tax credit reforms on children, the requirement to re-establish targets and indicators for income poverty and to publish and implement child poverty strategies.

Delivery under the ‘economic’ aspect of this outcome should be through the Child Poverty Strategy. While, according to the statutory requirements of the Child Poverty Act 2010 the Strategy should have been published in March 2014, this was delayed for two years and then subsequently published in March 2016. However, at the time it was published the majority of actions were out of date and so will need reviewed before being implemented.

Environmental well-being

While the ‘economic well-being’ aspect of this outcome is fairly clear, the ‘environmental well-being’ aspect is less so. It can be understood in a number of ways: the home environment of a child, the communities in which children live, access to the natural environment, impact of pollution on health and the environment as a resource for future generations that needs to be protected. In general, the young people NICCY consulted with felt very strongly that this outcome should focus on the latter three areas.

This was reflected in the Concluding Observations 2016 which focused on reducing air pollution levels, especially near schools and residential areas, and placing children’s rights at the heart of domestic and international climate change programmes.

Summary of workshop discussions

It was notable from the discussions the differences in emphasis between the adult participants at the Civic society workshops, and the young people from NICCY’s Youth Panel. While the adults were primarily focused on ‘economic’ well-being, the young people were equally concerned about both ‘economic’ and ‘environmental’ well-being and the focus of the latter being on access to nature, and protecting the environment for the future.

Discussions at the civic society workshop focused on the following issues:

In relation to economic well-being, participants discussed how families living on low incomes need support to meet their basic needs, including the basic needs of their children. Food poverty and fuel poverty are high in Northern Ireland, as are the number of people without bank accounts. Too many people have to rely on high interest loans or loan sharks, often with paramilitary connections. Social care grants which would have helped families on low incomes manage their finances have been replaced by discretionary loans, and the application of benefit sanctions to families is a major concern.

Families need help to increase their incomes and reduce their costs, for example through seasonal grants, benefit uptake campaigns, support for carers and particularly tackling the costs associated with education.

Provision of affordable or, ideally, free childcare was also recognised as an important way of tackling child poverty, and there was support for similar provision as in England, where families are to receive 30 hours of free childcare for pre-school children. Currently many families are struggling to pay for childcare and increasingly parents are having to either use pay day loans to pay for childcare, or to come out of paid employment.

Some groups of children and young people were identified as being particularly at risk of poverty, including:

* Children with disabilities - there are additional costs associated with children with disabilities that are not fully covered by disability benefits;
* Newcomer children - where there is no recourse to public funds;
* Young people who have particular support needs as they transition from children’s to adult services. These include care leavers and young people with a disability. Such transitions need to be more effectively ‘graduated’.

Many young people in poverty aged 16+ in general need better support, in terms of benefits, EMA for pre-vocational training, and particularly in relation to housing. While the participants note some improvements on how the needs of homeless young people were being addressed, they felt that early intervention and prevention support should be provided to help young people move out of homelessness. Housing for families with disabled children is insufficient, and it can be particularly difficult to find appropriate accommodation for young people with learning disabilities or mental health problems. Paramilitary threats and intimidation can lead to young people becoming homeless or having problems accessing housing provision.

In relation to environmental well-being participants talked briefly about children’s access to green spaces, their access to explore and engage with the environment beyond their immediate community and the barriers to enjoying public spaces.

As mentioned previously, the NICCY Youth Panel workshopdiscussion on this outcome was more evenly split between the economic and environmental issues.

Under economic well-being the young people talked a lot about the costs of education, including school uniforms and school trips. They felt that the additional money given to schools for poorer children should be used directly for their benefit. Some were concerned at rising food prices at school - for lunches and at breakfast clubs.

Some were very concerned at the changes to benefits, at the problems with benefit payments and the minimum wage levels for young people. They also felt that careers in the army are often promoted to young people who are less academic than others, or who are living in poverty. Several gave examples where the bottom streams in schools were targeted by army recruiters and they felt that this was exploitative.

They were aware of the impact of austerity on the delivery of services to children and young people, and were concerned at homelessness among young people. They felt that they needed additional supports, for example education or mental health services and the poor state of some council houses was also raised.

In relation to environmental well-being it was very clear that access to nature and to green spaces was very important to them. They felt that children and young people needed more access to gardens and nature, and that they should be made aware of where their food came from. They also felt that more needed to be done to tackle littering or vandalism in parks, and raised the problems of children finding used needles. Fines should be imposed for littering and environmental pollution more generally.

They also felt that government is not sufficiently prioritising the protection of the environment, and the promotion of measures such as renewable energy. However, some also felt that there is growing awareness of global warming. They argued that, if children were taught at an early age about protecting the environment, this would lead to a culture change within society.

They felt strongly that the rights of ‘future generations’ should be taken into account in environmental decisions, and that they should be able to vote from the age of 16 as so many decisions are about their future, including decisions about the environment.

Several raised concern at the waste of resources, both in terms of money and energy. Some talked about how schools waste energy and suggested that schools should use renewable energy, for example by installing solar panels. They also felt that the environment was not sufficiently prioritised in government budgets and actions as other issues and said that this needed to be rectified.

NICCY Recommendations

It is important that there are concrete actions in the new Children and Young People’s Strategy relating to the range of issues outlined above under the ‘economic and environmental well-being’ outcome, and that those addressing the ‘economic’ aspects should be delivered through the Child Poverty Strategy. These should include:

Economic well-being

1. **The Northern Ireland Executive, in its Programme for Government, should commit to reducing levels of child poverty, setting targets using the four child poverty measures listed in the Child Poverty Act 2010.**
2. **The recently published Child Poverty Strategy should be reviewed to ensure that the targets, indicators and actions contained are current and appropriate. This then should become the strategic mechanism for delivering on the ‘economic well-being’ of children.**
3. **Children experiencing poverty and their parents should be involved in the development of solutions aimed at reducing child poverty.**
4. **Children’s best interests need to be a primary consideration in all decisions within and about the social security system. This includes ensuring that children’s best interests are taken into account when the application of sanctions is being considered. The impact of the Welfare Reform changes, mitigation measures and benefit sanctions on children should be closely monitored and reported on.**
5. **Within its Economic Strategy and Investment Strategies, the Executive must prioritise actions to increase access to appropriate ‘living wage’ employment for young people and parents. A proportion of jobs created should be accessible by young people and adults who have / are experiencing disadvantage and should take account of caring needs of parents.**
6. **The Executive should provide additional financial support to 16 and 17 year olds living independently, who are either working on a lower minimum wage than adults, or receiving lower levels of benefits.**
7. **Seasonal grants should be provided to families to help them meet the needs of their children at particularly expensive times. Two payments could be provided, one in winter to address the additional costs for heat, and winter clothes, and one in the summer to help to cover the costs of the additional meals for children who would normally receive free school meals during term time.**
8. **The NI Executive should provide positive financial support to families facing financial difficulties.**
9. **Schools should be required to demonstrate how the additional money they receive for children eligible for Free School Meals is spent on those children, to offset the costs of education normally requested from their families.**
10. **The Executive should ensure that all families have access to affordable, quality childcare. Consideration should be given to matching the provision of 30 hours of free childcare for 3 and 4 year olds in England, and adapting this for the Northern Irish context.**
11. **The Child Poverty Strategy should include actions aimed at reducing - or removing - the costs to children in poverty of accessing activities and services, for example by providing free transport or free entrance to leisure services and social activities.**
12. **Services and support should be targeted both at groups at high risk of poverty, for example families with children with disabilities, single parent families and in areas where there are high levels of child poverty.**
13. **Families with children should never become destitute because of not having recourse to public funds. This should, moreover, never be the cause of children being taken into care.**

Environmental well-being

1. **A further piece of engagement work should be done with children and young people across Northern Ireland to determine what they would want to be delivered under the ‘environmental’ part of this outcome. This may also be informed by the outcome of the UN Committee on the Rights of the Child’s General Day of Discussion on ‘Children’s Rights and the Environment’.**
2. **Councils and agencies involved in planning public spaces should ensure that children have access to natural green spaces. Community planning processes are an opportunity to involve them in decision making on the built environment and spatial planning.**
3. **More should be done to tackle littering and vandalism in parks and other public spaces.**
4. **Environmental pollution should be reduced including air pollution particularly in areas accessed by children e.g. near schools and residential areas.**
5. **Children should be educated about environmental issues from an early age and should be made aware of environmental issues, including food production.**
6. **As representatives of ‘Future Generations’ children and young people should be engaged in decisions about the environment, and environmental protection and their views should be taken into account. Examples of this could be in relation to fracking or whether schools should move to using renewable energy.**

Additional recommendations from the UN Committee’s Concluding Observations 2016

1. **Take necessary measures to reduce homelessness and to progressively guarantee all children stable access to adequate housing which provides physical safety, adequate space, protection against the threats to health and structural hazards, including cold, damp, heat and pollution, and accessibility for children with disabilities.**

Outcome 6: Making a positive contribution to society

The outcome area Making a positive contribution to society in the previous Children and Young People’s Strategy 2006-2016 encompassed not only the right of children to positively contribute to society, but also the rights of children and young people in the criminal justice system. NICCY believes that this is not the most appropriate outcome area for the rights of children in the youth justice system. Through the inclusion of youth justice under Making a positive contribution to society, there is a failure to acknowledge the multiple adversities faced by many children and young people who come into conflict with the law. Youth justice is therefore contained under the outcome of Living in safety and with stability.

In exploring the outcome area Making a positive contribution to society we examined the ability of children and young people to positively contribute to society through civic engagement, including, for example, their ability to participate in activities such as volunteering, voting and community planning. Research has shown that preparing young people to have an impact in society begins with their participation in a wide range of civic activities like, volunteering, and other forms of activism that can take place in neighbourhoods, schools, and virtual communities. These activities foster the social interaction that builds a willingness to act for others, and provide the confidence, skills and mentoring required for more complex civic problem solving, like governance and community planning.[[6]](#footnote-6)

In addressing this outcome, the Strategy should articulate what is meant by Making a positive contribution to society, paying regard to the particular circumstances or groups of children who are more likely to face barriers in accessing their rights under this outcome. Examples of this include children who are in poverty, looked after children, children with disabilities, children with mental health problems, children with special educational needs, children in the juvenile justice system, younger children, Newcomer, Traveller, Roma children and young carers.

Also, as highlighted by the United Nations Development Programme, in countries emerging from conflicts, young people can engage in peace-building and have demonstrated the potential to build bridges across communities, working together, helping to manage conflict and promote peace. Young people are vital stakeholders in conflict and in peace-building, and can be agents of change and provide a foundation for rebuilding lives and communities.[[7]](#footnote-7) Having been born after the Good Friday Agreement, children and young people will have their own perspectives and priorities, which are often very different from those of adults. For peace to be sustainable, children and young people need to be maintaining and indeed developing the peace process not just living through it.

**Summary of workshop discussions**

Participation, including volunteering, was highlighted as being important for all children and young people to be given the opportunity to experience, benefit from, and contribute to. Young people felt there needed to be more awareness raising of volunteering, particularly in schools, and for it be made easier to volunteer.

The inadequacy of existing participation mechanisms in schools, at community, local government and national levels were discussed. It was felt that more could be done to develop school councils, involve young people in community planning in regional councils and to establish a youth parliament at a national level so that young people could have a real voice and influence in government decision making.

Professionals discussed the need to address the under-representation of particular groups of children and young people in all forms of public participation, this included, young carers, children living in poverty, refugee and asylum seeking children, children who do not have English as a first language, children with disabilities, including life limiting or rare conditions and Roma / Traveller children and younger people (under 16).

The need to remove barriers to children’s involvement in volunteering and other forms of participation was highlighted. This included lack of time because of other responsibilities, this was particularly recognised as an issue for young carers, insurance costs for involving children and young people as volunteers, especially young children, and lack of meaningful participation or volunteering opportunities or awareness of them. Participants highlighted the importance of staff working with children and young people to have undertaken participation training and for learning to be shared, particularly good practice models or approaches in involving under-represented groups. Providing support to parents/ carers to enable them to support children and young people to fully participate in all aspects of public life was also discussed.

Young people felt very strongly that the voting age should be lowered to at least 16, and believed that there was a real disconnect with the fact that at 16 you can work, pay taxes, rent a house and have a baby but are not deemed responsible enough to vote. They also shared experiences of being discriminated against in accessing goods, facilities and services, particularly, fast food establishments and department stores and expressed frustration with having no safe, public spaces to socialise.

NICCY Recommendations

It is important that there are clear actions in the new Children and Young People’s Strategy which encourage and enable all children and young people to contribute positively to society. These should include:

1. **National structures should be established to ensure the active and meaningful participation of children and give due weight to their views in designing legislations, policies, programmes and services at the local and national level. This requires proactive co-ordination between government departments and public agencies. Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities.**
2. **As stipulated in the Community Planning Statutory Guidance, ensure that Councils formally engage with children and young people in a participatory way throughout the community planning process on issues such as safety, good relations, health, education, economic regeneration, social regeneration, built environment and spatial planning. Also, ensure that this engagement is monitored and reported upon.**
3. **Children should be facilitated to have their voices heard and listened to in all aspects of their lives. Their views should be given due weight by all professionals working with children and young people. This should include the provision of independent advocacy services of their choosing for all children who require them.**
4. **Re-establish the programme for the development of a Northern Ireland Youth Assembly to ensure children and young people’s effective engagement with national legislative processes on issues that affect them.**
5. **Ensure there is a direct link from the NI Youth Assembly to local decision making process, e.g. community planning.**
6. **Consult with children and young people and other key stakeholders on lowering the voting age.**
7. **Children and young people should have a statutory right to have their voices heard in all court, tribunal and administrative proceedings which impact on their lives. Financial and other barriers to the realisation of this right should be urgently removed.**
8. **Children and young people should have access to child friendly complaints mechanisms across all areas of their lives and they should be encouraged and helped to take complaints where they wish to do so.**
9. **The NI Assembly should collaborate with civil society organisations to increase opportunities for all children and young people’s meaningful participation in volunteering and other forms of civic engagement; this includes steps to address barriers faced by under-represented groups.**
10. **To establish a baseline reference of levels of youth participation, complete an audit of the numbers of young people involved in community and civic actions including through volunteering, youth work, pupil participation in schools as well as political activity.**
11. **Through training and capacity building, ensure there is a greater understanding within Government Departments and statutory agencies of the benefits of children and young people’s participation.**
12. **Develop a child rights compliant mechanism for children and young people to share their unique perspectives on the past and to meaningfully contribute to the peace building process.**
13. **Government and statutory agencies should work to combat the negative perception of specific groups of young people amongst the general public.**

Additional recommendations from the UN Committee’s Concluding Observations 2016

1. **Prohibit the use of mosquito devices (acoustic youth dispersal devices) in public spaces.**

Outcome 7: Living in a society which respects their rights

This outcome was included in the previous Children and Young People’s Strategy, although it was poorly addressed within it. There were no actions or indicators for this outcome, and instead it was explained that this outcome would be achieved as the others were achieved. This was one of the main criticisms of the previous Strategy.

NICCY is pleased that this outcome has been included in the Children’s Services Co-operation Act (Northern Ireland) 2015, but there needs to be clear understanding on what is included under this outcome. It should include UN Committee on the Rights of the Child’s ‘General Measures of Implementation’, the processes that must be put in place and actions that should be taken to deliver effectively on children’s rights. This is more about the ‘how’ than the ‘what’ in relation to delivery for children.

It should include:

* Ensuring legal remedies to breaches of children’s rights;
* The development and implementation of the Children and Young People’s Strategy itself;
* Co-ordination of delivery for children through the Children and Young People’s Unit and the Children’s Services Co-operation Act (Northern Ireland) 2015;
* Raising awareness of the UNCRC;
* Data collection and analysis, and the development of child rights indicators;
* Child rights impact assessments;
* Budgeting for children;
* Co-operation with civil society; and
* The ongoing role of NICCY in monitoring and advising on government delivery for children.

In the Concluding Observations 2016 there is a significant focus on the general measures of implementation, and the Committee provided recommendations in relation to:

* Action plans for the implementation of all areas of the Convention, and the allocation of sufficient human, technical and financial resources;
* Statutory obligations to undertake child rights impact assessments, particularly of budget decisions and where austerity measures are being applied to children’s services;
* The establishment of a statutory body within government to ensure effective coordination of the implementation of the Convention:
* The allocation of the ‘maximum extent of available resources’ for the implementation of children’s rights, and transparent and participatory budgeting processes;
* Publication of a child rights indicator framework to monitor delivery of the Convention;
* Strengthening the independence of the Commissioner and provision of the powers and resources to receive and investigate complaints on behalf of children; and
* Require businesses to undertake child-rights compliant due diligence and, in the context of public procurement, to comply with the UNCRC.

Summary of workshop discussions

It was clear from the workshops both with the civic society organisations and the NICCY Youth Panel that conceptualising what would be contained within the Children and Young People’s Strategy under this outcome was challenging. However, when the areas listed above were introduced, the importance of these measures was widely recognised.

Discussions at the civic society workshop focused on the following issues:

The Children and Young People’s Strategy must be the National Action Plan for Children as required by the UN Committee’s General Comment No 5. It must be the overarching Strategy relating to the delivery of all services for children, and all others – i.e. the Disability Strategy, Child Poverty Strategy, LAC Strategic Statement and Family Matters etc. One person suggested that there could be as many as 20 other strategies that could fit under it. It is vital that there is direct communication between the Head of the Civil Service and the Children and Young People’s Unit to ensure that the Strategy is given appropriate ‘weight’ and prominence across government departments.

The participation of children and young people was discussed and there was a strong consensus that engagement had to be done in ways that empowered children and young people, and that consultations generally were not child friendly. While there needs to be a focus on Article 12 (participation) there also needs to be a focus on Article 13 (access to information). Information must be made available to children and young people in accessible formats.

Language rights were discussed in this workshop as it was felt that this had not been addressed properly elsewhere. It was felt that the focus in Northern Ireland on developing children’s ability in relation to English meant that there was little support for other languages, which may be the primary languages of many children. It is important that children feel their primary language is also positively received, whether that is Polish, Irish or Makaton.

It was felt that children, parents, advocates and professionals needed to be made more aware of children’s rights, and that schools should ‘live and breathe it’. Too often systems and services are not child-focused or child-friendly, children’s needs are lost in the adult world of statutory services. Family Support Hubs were, however, seen as wonderful in this regard.

The potential for ‘co-operation’ through the Children’s Services Co-operation Act (Northern Ireland) 2016 and the Children and Young People’s Strategy was seen very positively, and it was felt that this would inevitably lead to efficiency, both in the use of services and in the use of resources. It is important to have transparency in budgets to be able to effectively maximise the resources on children’s services, including through ‘pooling’ budgets.

The NICCY Youth Panel felt that the Strategy was critical to delivering on children’s rights in Northern Ireland. It was felt that it should focus on the most severe problems, rather than just ‘low hanging fruit’. It should make realistic promises, set long term and interim targets and review these to adjust them as necessary. They also felt it was very important to raise awareness of children’s rights, particularly with children and their parents. They supported education on rights being compulsory and felt that it needed to be something that was raised with children and young people regularly, rather than as a one-off thing.

NICCY Recommendations

This is an extremely important outcome because the following actions will facilitate the delivery of all the other outcomes of the Strategy. They should include:

1. **The Strategy must be the National Action Plan for Children as outlined in General Comment 5, and should fully implement all articles of the UNCRC, and all Concluding Observations 2016. Sufficient resources must be allocated for its implementation and it should include clear timelines, monitoring and evaluation processes and actions. It should pay special attention to the most marginalised and vulnerable children.**
2. **The completion of a Child Rights Indicator framework to monitor the delivery of the UNCRC through the Children’s Strategy.**
3. **Ensure NICCY’s independence and ability to carry out our mandate in an effective and co-ordinated manner through implementing the recommendations of the reviews of NICCY’s legislation.[[8]](#footnote-8)**
4. **Government should provide training on, and raise awareness of, the UNCRC and Concluding Observations 2016 to children, their parents and professionals working with children.**
5. **Children should be able to access legal remedies, with funding provided to enable them to do so through the provision of legal aid to challenge breaches of their rights.**

Additional recommendations from the UN Committee’s Concluding Observations 2016

1. **A statutory obligation should be placed on statutory departments and agencies to conduct and publish child rights impact assessments when developing laws and policies affecting children.**
2. **A body should be established ‘at a high inter-ministerial level with a clear mandate and sufficient authority’ to ensure the co-ordination of activities across all sectors in the development and implementation of the Convention.**
3. **The NI Executive must respond to General Comment 16 by ensuring that businesses are required to undertake child-rights due diligence and that, in the context of public procurement, they comply with the rights of the child.**
4. **Utilise a child-rights approach in budgeting, by implementing a tracking system for the allocation and use of resources for children throughout the budget;**

* **Ensure transparent and participatory budgeting through public dialogue, including with children;**
* **Define budgetary lines for children in disadvantaged or vulnerable situations that may require affirmative social measures and make sure that those budgetary lines are protected even in situations of economic recessions;**
* **Regularly conduct child rights impact assessments of budget and economic decision-making processes and outcomes, including austerity measures, in areas that are directly or indirectly related to children’s rights; and**
* **Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.**

Outcome 8: Equality of opportunity and good relations

The outcome of Equality of opportunity and good relations is a new outcome area under the Children and Young People’s Strategy. It is potentially a wide ranging outcome area which impacts on how children and young people access services across a range of aspects of their lives. Equality of opportunity and good relations relates to a number of the UNCRC Articles and also is closely related to the already existing statutory equality obligations under section 75 of the Northern Ireland Act 1998. There are some notable differences between the Equality of opportunity and good relations outcome area and the statutory equality obligations under section 75(1) and (2) of the Northern Ireland Act 1998.

Section 75 of the NI Act 1998 places two duties on designated public authorities in Northern Ireland. The first of these duties is detailed in Section 75(1). This ‘equality duty’, places a positive duty on designated public authorities in Northern Ireland, to have due regard to the need to promote equality of opportunity between persons of different religious belief, political opinion, racial group, age, marital status or sexual orientation; between men and women generally, between persons with a disability and persons without; and between persons with dependants and persons without. For the purposes of the Children’s Services Co-operation (Northern Ireland) Act 2015 (CSCA), these are the relevant characteristics of children and young people for whom equality of opportunity and good relations should be promoted. The second duty that section 75 places on public authorities is the ‘good relations’ duty. This can be found in section 75(2) of the Northern Ireland Act 1998 and places a duty on public authorities to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group.

Guidance on this duty is clear that it extends beyond the religious / political dimension of ‘community relations’ and that compliance with the good relations duty requires consideration of the needs and interests of all minority ethnic groups. The way in which the equality and good relations duty is drafted in the CSCA extends the good relations duty beyond the three areas of political opinion, religion and race to include all of the nine characteristics as outlined under section 75(1). This means that for children and young people, by virtue of the CSCA, there is a broader good relations obligation on Government than exists for any other group. The Children and Young People’s Strategy needs to fully reflect the wider good relations duties under the CSCA.

With regard to the weight to be given by designated public authorities to the duties under section 75(1) and (2). Section 75(1) refers to the obligation on public authorities to have due regard to the need to promote equality of opportunity between members of each of the nine section 75 categories. The good relations duty in section 75(2) refers to the need to have regard to the desirability of promoting good relations between persons of different religious belief, political opinion or racial group. The term ‘due regard’ was intended to be and is stronger than ‘regard’, meaning that it is the legislative intention that the equality duty is the stronger of the two duties and places the greater onus on public authorities.

The CSCA refers to section 75 in defining ‘relevant characteristics’ but there is no distinction with regard to weight to be attributed to equality of opportunity and good relations in the same way that there is in the Northern Ireland Act 1998. Again, for the purposes of the CSCA, the two duties appear to have equal weight.

With regard to whom the duties under the CSCA apply, this can be found in section 2 of the Act and interpreted in line with section 9. Section 2(1) states that every children's authority must, so far as is consistent with the proper exercise of its children functions, co-operate with other children's authorities and with other children's service providers in the exercise of those functions. Section 2(4) defines “children functions” as any functions which may contribute to the well-being of children and young persons. At section 9 of the Act,“children’s authority”is defined as any of the following — a Northern Ireland department, a district council, a Health and Social Care trust, the Regional Health and Social Care Board, the Regional Agency for Public Health and Social Well-being, the Education Authority, the Northern Ireland Housing Executive, the Police Service of Northern Ireland, or the Probation Board for Northern Ireland. A “children’s service”is defined as any service which is provided (whether by a children’s authority or by any other person or body) wholly or mainly to or for the benefit of children and young person’s generally, or children and young persons of a particular description or with particular needs. “Other children’s service provider” is defined as any person or body, of whatever nature, who provides a children’s service or is engaged in activities which contribute to the well-being of children or young persons (but does not include a children’s authority).

Schools are not designated public authorities under section 75 of the NI Act 1998, meaning that the equality and good relations obligations under section 75 do not extend to schools. There is no such exemption under the CSCA. As schools exercise children’s functions, deliver a children’s service and come within the definition of ‘other children’s service provider’ under the Act, the equality of opportunity and good relations duty under the CSCA applies to schools.

In addressing this outcome, the Strategy should articulate what is meant by Equality of opportunity and good relations, paying regard to the particular circumstances or groups of children who are more likely to face barriers in accessing their rights under this outcome. Examples include groups of children who are most likely to suffer inequality and those who face multiple adversities, including children in poverty, looked after children, children with disabilities, children with mental health problems, children with special educational needs, children in the juvenile justice system, Newcomer, Traveller, Roma children and young carers.

Summary of workshop discussions

Discussions at the workshops illustrated the breadth of this outcome area which is perhaps due to this being a new and relatively undefined area. NICCY believes that the inclusion of this outcome area places a clear statutory obligation on the Government to address equality and good relations in the Children and Young People’s Strategy.

Participants at the civic society workshop highlighted the importance of hearing children’s voices in decisions which impact on their lives. The concern this has not been achieved through Section 75 was expressed. The introduction through the Fresh Start Agreement of an 8 week maximum consultation period and ECNI current consultation timescales was discussed and participants expressed their concerns about ensuring vulnerable groups are consulted within a restricted timeframe expressed e.g. with regard to the time and resources needed for alternative formats and for an interpreter service. Participants felt that the reduction in consultation timeframes was an indication of Government not wanting to hear the views of civic society and particularly children and young people as one of the groups least likely to have their views heard and taking into account in developing policy and legislation. Participants highlighted their experiences of poor consultation practice, including children’s versions being issued post consultation, poor pre-consultation engagement and the lack of structured mechanism to enable children and young people to engage. There needs to be a much clearer focus on data collection in the Children and Young People’s Strategy as this has not been done under section 75. Participants felt that pressure on resources will impact government’s ability to consult ‘hard to reach’ groups. They stated that there is an opportunity in the Children and Young People’s Strategy to build in accountability, to trigger ‘sub strategies’ coming into line and improve coordination.

With regard to the application of this obligation to schools, participants felt that there is real potential in this outcome area which must be harnessed in the Children’s Strategy. Participants felt that schools should now be designated under section 75. Both the professionals and the young people were clear that teachers should be trained and children and young people should be educated together. One young participant stated that segregated education leads to the indoctrination of segregated mindsets from primary school and this should be addressed.

The impact of the conflict and ongoing issues relating to violence in society were raised, including how to ensure young people can access ‘fact based’ information around the conflict. Participants felt that parents need to be better supported and that whole school approaches are necessary that address identity, heritage and history. The need to identify the transgenerational impact of the conflict and the Fresh Start obligation relating to the legacy of the conflict on children was raised. Participants felt that the Strategy needs to recognise that children have different experiences in the different communities in which they live and the Strategy must provide different actions to meet the needs of all children and young people. The negative influence of paramilitaries and interface violence were raised by young people. The de-politicisation of key areas such as education, health and housing must be an immediate priority for Government, these was a sense that NI has focused only on depoliticising policing and justice but not these other key areas.

The needs of specific groups of children and young people who are most likely to experience inequality was a theme at both workshops. Participants felt that the Children’s Strategy must address the needs of vulnerable children and ensure equality of opportunity for children with disabilities, young carers, transgender children and young people, Traveller and Roma children, young people in need of employment, education or training, children with mental health needs, children in poverty and Newcomer and BME children and their families. It was felt that the Strategy must encompass the multiple identities that children have. The absence of poverty as a recognised characteristic was highlighted and participants felt that the Children’s Strategy should have a particular focus on inequalities experienced by children in poverty in order to overcome the limitations of this. Young people highlighted feeling vulnerable because they are transgender, gay or Christian. LGBTI young people highlighted that they are still bullied in schools by pupils and teachers and that bullying is rife on a range of grounds, yet nothing is done about it.

It was felt that the inclusion of this outcome area under the Children’s Strategy now provides an opportunity to ensure discrimination against children is addressed. Related to this is the media portrayal of young people which must be a priority under this outcome area.

Concerns about the impact of austerity were raised including the loss of small grassroots groups, which are often those with access to ‘hard to reach’ groups as well as the impact of reduced capacity for advocacy. This is at the same time as an increased demand on organisations due to welfare reform. This will have a significant impact on good relations work at a community level. Concerns about a lack of joined up working and collaboration were expressed by professionals, with community and voluntary groups spending more time seeking and reporting on funding, which is detracting from service provision. There is also a lack of continuity, longevity and sustainability.

NICCY Recommendations

There are a range of issues that NICCY advises should be taken account of within this outcome including:

1. **The full implementation of section 75 of the Northern Ireland Act 1998 and full delivery for children and young people is urgently required. The statutory equality obligations under the CSCA and section 75 of the Northern Ireland Act 1998 need to be fully and robustly enforced. Schools should also be designated.**
2. **Comprehensive and disaggregated data needs to be collected on children’s lives as required by section 75 of the Northern Ireland Act 1998 and Article 4 of the UNCRC to improve access to equality of opportunity for all groups of children and young people.**
3. **Children and young people, including those who are marginalised and disadvantaged must be consulted with on matters which impact on their lives and their views should be taken into account in decision making. Austerity and pressure on resources cannot become a further barrier to children’s participation in decision making. In the case of consultation with children, a minimum of twelve weeks should be allocated to allow them to form and express their views.**
4. **Children and young people of all ages need to have full legislative protection from all kinds of discrimination in line with the ECHR and Article 2 of the UNCRC. Any legislation concerning age discrimination in the provision of goods, facilities and services must provide protection to people of all ages.**
5. **Children should never be subject to a lower standard of service by virtue of their age. Standards of service for children should be higher due to their inherent vulnerabilities. Children and young people should have access to protections and safeguards equivalent to or better than those afforded to over 16s under the Mental Capacity Act (Northern Ireland) (2016). All current and future legislative safeguards and protections should include children and young people of all ages.**
6. **Every action must be urgently taken to keep children safe from attack on the grounds of their particular circumstances. Hate crimes on any ground against children must be a policing priority.**
7. **Children and young people must be protected from the negative impacts of paramilitarism. Immediate measures must be taken to protect children from violence by non-State actors involved in paramilitary-style attacks as well as from recruitment into violent activities.**
8. **Children and young people need access to information on the conflict in Northern Ireland which explains what happened and why. This should be part of an agreed narrative of the past which promotes tolerance, understanding and respect.**
9. **There should be increased investment in education on good relations and equality to promote equality, diversity and respect.**
10. **The Government should address the underlying determinants of inequalities in health and education, including social and economic deprivation and inequality.**

Additional recommendations from the UN Committee’s Concluding Observations 2016

1. **Resources must be allocated to the maximum extent possible for the implementation of children’s rights, with a special focus on reducing inequalities.**
2. **Awareness-raising and other preventive activities against discrimination and stigmatisation must be strengthened and, where necessary, special measures for the benefit of vulnerable children should be taken. Urgent measures must also be taken to address the “intolerance of childhood” and general negative public attitude towards children, especially adolescents, within society, including in the media.**
3. **Discrimination or stigmatisation of children from any group, including through counter-terrorism measures, must be prevented.**

Conclusion

The ongoing development of the Children and Young People’s Strategy provides a vital opportunity to greatly improve the lives of all children and young people in Northern Ireland in a manner which improves their well-being and realises their rights. The final Children and Young People’s Strategy should be the framework under which all work by Government in Northern Ireland, in the provision of services for children and young people, is undertaken. It is extremely important that we get it right. NICCY urges the NI Executive, in developing the Children and Young People’s Strategy, to take adequate cognisance of the advice provided in this paper. **NICCY provides this advice to the** NI Executive **in line with the Commissioner for Children and Young People’s** statutory advice powers under Article 7(4) of The Commissioner for Children and Young People (Northern Ireland) Order (2003). NICCY would be happy to discuss any element of this submission or provide further information / clarification if required.

1. CRC/C/GBR/CO/5, 3 June 2016 [↑](#footnote-ref-1)
2. The Commissioner’s more detailed response to the draft Programme for Government can be found on the NICCY website www.niccy.org [↑](#footnote-ref-2)
3. [Byrne, B., Maguire, L., and Lundy, L., (2015), **Reporting on Best practice in Cross-Departmental Working Practices for Children and Young People**, (Belfast; NICCY).](http://www.niccy.org/publications/2015/september/30/joined-up-working-report/) [↑](#footnote-ref-3)
4. DfC, (2016), NI Poverty Bulletin 2014-15. [↑](#footnote-ref-4)
5. James Browne, Andrew Hood and Robert Joyce, (November 2014) Child and working-age poverty in Northern Ireland over the next decade: an update. [↑](#footnote-ref-5)
6. <http://unlimitedpotential.fya.org.au/future/young-people-will-find-new-ways-to-contribute-and-lead-change/> [↑](#footnote-ref-6)
7. <http://tinyurl.com/h8leg43> (United Nations Development Programme Youth Factsheet: Youth, Political Participation and Decision- Making). [↑](#footnote-ref-7)
8. More information on these recommendations can be found at: <http://www.niccy.org/about-us/childrens-rights/niccy-legislation/>. [↑](#footnote-ref-8)