



Response to Children and Young People's Strategy 2017 – 2027

Children's Law Centre

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Introduction

The Children's Law Centre (CLC) is an independent charitable organisation which works towards a society where all children can participate, are valued, have their rights respected and guaranteed without discrimination and where every child can achieve their full potential.

We offer training and research on children's rights, we make submissions on law, policy and practice affecting children and young people and we run a free legal advice, information and representation service. We have a dedicated free phone legal advice line for children and young people and their parents and carers called CHALKY and a youth advisory group called Youth@clc. Within our policy, legal, advice and representation services we deal with a range of issues in relation to children and the law, including the law with regard to some of our most vulnerable children and young people, such as looked after children, children who come into conflict with the law, children with special educational needs, children living in poverty, children with disabilities, children with mental health problems and children and young people from ethnic minority backgrounds.

Our organisation is founded on the principles enshrined in the United Nations Convention on the Rights of the Child (UNCRC), in particular:

- Children shall not be discriminated against and shall have equal access to protection.
- All decisions taken which affect children's lives should be taken in the child's best interests.
- Children have the right to have their voices heard in all matters concerning them.

From its perspective as a children's rights organisation working with and on behalf of children, both directly and indirectly, CLC is grateful for the opportunity to respond to the consultation on the Children and Young People's Strategy 2017 – 2027.

In responding to the draft Children's Strategy, we consulted with Youth@clc, the Children's Law Centre's youth group, which is made up of young people aged between 14-21 years, from various backgrounds who aim to ensure that the voices of children and young people are heard at local and national levels of decision-making. The primary aim of Youth@clc, which is a peer children's rights advocacy group, is to promote awareness of children's rights, with an ultimate goal of every child and young person in Northern Ireland being fully aware of their rights and the laws that affect them. The views expressed by Youth@clc informed this response.

Section 75

The development of a new Children's Strategy is an opportunity to tackle key inequalities experienced by Section 75 equality groups that remain persistent and hard to address. Therefore, through the proper discharge of the duties under Section 75 of the Northern Ireland Act 1998, the promotion of equality of opportunity and good relations should be a cross-cutting theme across the Children's Strategy and any subsequent associated implementation plans or policy actions that arise from the Strategy.

We welcome the Outcome relating to Equality of Opportunity and Good Relations, however we note in the Equality and Human Rights Policy screening for the Children and Young People's Strategy (Annex A) it states that:

*"This is a Strategy for the benefit of all children and young people, not one defined by reference to a particular section 75 category. The Strategy itself is not a 'policy' in the strictest sense. It is a framework for policy actions to improve the well-being of children and young people generally. It contains specific recommendations and headline actions, and anticipated outputs. These will be implemented by Government departments and their agencies and other strategic partners where appropriate. Detailed impact assessments will be appropriate when policy actions arising from the Strategy are being developed/ revised."*¹

This is a fundamental misunderstanding and misapplication of the duty under Section 75 Northern Ireland Act 1998 and is a clear breach of the Department's Equality Scheme. The Children's Strategy is, under the definition as defined by the Equality Commission, clearly a policy attracting the duties under section 75. The Children's Strategy sets out the high level priorities for children and young people for the next 10 years, it is therefore a policy to which the section 75 duty applies. It should be subject to a comprehensive screening process and a full EQIA exercise. This is required to comply with obligations under section 75 of the Northern Ireland Act 1998. EQIAs are required to be conducted in respect of high level policies and strategies and it is a clear breach of the Departmental equality duty to suggest that this can be deferred until "*policy actions arising from the Strategy are being developed/ revised*". The Equality Commission Guidance states that:

"In respect of this guidance, the term 'policy' is used to denote any strategy, policy (proposed/amended/existing) or practice and/or decision, whether written or unwritten.

With regard to policies, four particular points should be noted:

¹ Annex A – Equality and human rights screening document, page 10

1. *Policy is a broad, inclusive term. A policy is defined in the New Oxford Dictionary of English as - “a course or principle of action adopted or proposed by a government, party, business or individual”. In the present context, the term policies covers all the ways in which an authority carries out or proposes to carry out its functions relating to Northern Ireland... Accordingly, the scheme must cover the arrangements for assessing the impact of such policies. Policies include unwritten as well as written policies.*
2. *The policies referred to in Schedule 9 are not just policies on the promotion of equality of opportunity. It is the likely impact (on the promotion of equality of opportunity) of any of the authority’s policies that has to be assessed. During the course of the debate on the legislation, Government clarified its intentions: “..... it is the Government’s intention that impact assessments should relate to the general run of a public authority’s policies. It is not intended that the assessment should be restricted only to policies aimed at promoting equality of opportunity”.*
3. *Most policies are not static, but dynamic. Policies are often reviewed and amended, or the way they are implemented changes, in response to new situations. The Section 75 statutory duties should be utilised as a developmental aid for policy development. Changes to a policy that are likely to have an impact on access to equality of opportunity and good relations should be assessed for such impact in the same way as an original, existing or new policy is assessed. The Commission recommends that such an assessment of a policy includes the screening of the policy (Annex 1) and consideration of subjecting the policy to an equality impact assessment*
4. *Whatever status or label is accorded to an amended or new policy, for example, ‘draft’, ‘pilot’, ‘high level strategy’ or ‘sectoral initiative’, the equality and good relations implications must be considered in terms of assessing the likely impact of a policy and the Commission recommends applying the screening procedure (Annex 1) and, if necessary, subjecting the policy to an equality impact assessment.²*

Given the nature and content of the Children and Young People’s Strategy there is clearly potential for differential adverse impact across the section 75 categories of children and young people. CLC would therefore have expected, and the evidence would support, that the screening exercise should have concluded that the potential for differential impact on enjoyment of equality of opportunity as a result of the policy proposals contained within the Children and Young People’s Strategy, would be ‘major’ and therefore the strategy should have been screened in and a full EQIA carried out. This would be in line with the Equality Commission’s ‘Guidance for Implementing Section 75 of the NI Act 1998’.³

² Equality Commission for Northern Ireland (revised June 2004). Practical Guidance on Equality Impact Assessment.

³ A Guide for Public Authorities – Section 75 of the Northern Ireland Act 1998 page 64.

The Children and Young People's Strategy is the NI Executive's overarching strategy for children and young people for the period 2017 – 2027. The Children and Young People's Strategy will therefore have an impact on every young person in Northern Ireland to a greater or lesser degree, and we are disconcerted as to how it can be concluded that the Children and Young People's Strategy will have 'minor' impact on enjoyment of equality of opportunity or good relations on any of the members of any of the nine section 75 categories and that there was no requirement to carry out a full EQIA to ensure this policy proposal promotes equality of opportunity and mitigates against any potential adverse impact.

CLC does not agree with this conclusion and believes that the screening exercise has not been correctly carried out and that the Department is in breach of its duties under s75 Northern Ireland Act and its Equality Scheme.

We would therefore assert that the Department of Education must screen the policy in and subject the draft Children's Strategy to a full Equality Impact Assessment (EQIA).

Part of ensuring compliance with the obligations under Section 75 of the Northern Ireland Act 1998 is the collection of data for the purposes of determining and monitoring the promotion of equality of opportunity. CLC believe that without current disaggregated, and comprehensive data, it is impossible to determine that there is no potential for adverse impact and therefore it is impossible to evidence that this policy should be screened out. We note that the duty bearer is required to collect data from a wide range of sources including NGOs. We note that the data/ evidence used in the screening exercise is not referenced in the screening document provided by the Department. CLC would therefore request sight of all the paperwork relating to the screening exercise that has been undertaken to date, including all data and evidence used. **We would be grateful if this data could be forwarded to us.**

The Equality Commission Guidance on Section 75 states that *"the public authority should ensure that any screening decision is informed by relevant data. This may be either quantitative or qualitative or both and should help indicate whether or not there are likely equality of opportunity and/or good relations impacts associated with a policy. The absence of evidence does not indicate that there is no likely impact. A public authority should make arrangements to obtain relevant information, whether quantitative or qualitative. If a public authority having taken reasonable steps to obtain relevant data concludes that none is available, it may then wish to consider subjecting the policy to an equality impact assessment.... Evidence can come from many sources and may include information from the public authority's own management information systems, including service monitoring and complaints handling systems, or from engagement in research, surveys or consultation exercises. Information to help inform the screening of a policy may also be sourced from commissioned research or from research produced by other public authorities, representative groups, trade unions,*

business organisations or universities. In the absence of quantitative information there may be other anecdotal evidence, for example, feedback from service users and affected groups on their experience of the authority.”⁴

We would therefore also request sight of the full list of those expert and representative stakeholder groups engaged in identifying the relevant data in relation to children and young people including the data which was used in determining that this policy should be screened out. We would also assert that in the absence of data, a full equality impact assessment should be undertaken.

We note that the consultation questionnaire seeks respondents’ views in relation to equality impact. While it is useful to ask respondents about potential for adverse impacts on members of the nine Section 75 categories as a result of the policy proposals contained in the Children’s Strategy, without the provision of adequate data on each of the nine Section 75 categories and a thorough assessment of equality impacts it is not possible to make any accurate determination. Further, without sight of the data the Department used in determining to screen out the policy and not carry out a full EQIA, respondent’s ability to comment is reduced significantly. However based on the evidence available to CLC; including evidence from our advice work, evidence gathered from a wide range of NGOs by CLC staff and evidence gathered from over 1000 young people by youth@clc to inform the NGO and youth reports to the UN Committee on the Rights of the Child, there is clearly potential for differential adverse impact on some of the s75 equality groupings in the policy proposals contained in the draft Children’s Strategy.

CLC would assert that based on our evidence, there is potential for differential adverse impact. Where differential adverse impact is identified, there is a requirement to redress the adverse impact. The Equality Commission’s Guidance for Implementing Section 75 states that:

“Where a Section 75 category has been affected differently by a policy and the effect is less favourable, it is known as adverse impact. If a policy has an adverse impact on a Section 75 category, a public authority must consider whether or not the adverse impact is unlawfully discriminatory. In either case a public authority must take measures to redress the adverse impact, by considering mitigating measures and/or alternative ways of delivering the policy.”⁵

Furthermore, fulfilment of the statutory equality obligations under Section 75 of the Northern Ireland Act 1998 requires more than avoidance of adverse impact. It also requires a proactive approach to be taken to ensure the promotion of equality of opportunity. Where there are opportunities to better promote equality of opportunity,

⁴ Section 75 of the Northern Ireland Act 1998: A Guide for Public Authorities (April 2010) p. 52

⁵ Ibid page 82

Section 75 requires positive action to be taken to ensure the enjoyment of equality of opportunity by all. The Equality Commission's Guidance for Public Authorities on Implementing Section 75 of the Northern Ireland Act 1998 states that:

*"The promotion of equality of opportunity entails more than the elimination of discrimination. It requires proactive measures to be taken to facilitate the promotion of equality of opportunity between the categories identified in Section 75 (1). The equality duty should not deter a public authority from taking action to address disadvantage among particular sections of society – indeed such action may be an appropriate response to addressing inequalities."*⁶

It is clear from this that there is a statutory obligation to take action not only to mitigate against adverse impact or inequality but also to proactively promote equality of opportunity in order to comply with section 75. CLC would reiterate its recommendation to undertake a full and comprehensive EQIA as a matter of priority, to mitigate where necessary and to proactively take such steps to promote equality of opportunity as are necessary across all s75 equality groups.

CLC are aware of young people specific consultation events, undertaken in conjunction with Youth Action and Mencap. **We would be grateful if you could advise by return, details of other engagement events which allowed for the opportunity to consult directly with young people.**

UNCRC Committee on the Rights of the Child Concluding Observations

The UN Committee on the Rights of the Child has published its Concluding Observations in response to their examination of the UK government's implementation of the United Nations Convention on the Rights of the Child (UNCRC) (July 2016). In its Concluding Observations, the UN Committee raised concern across a large number of areas and specifically in relation to NI. These include inadequate services for children's mental health needs; the treatment of children in trouble with the law; the high numbers of homeless families with children who stay for long periods in bed and breakfast accommodation; high levels of air pollution in our cities; and the frequent changes of social workers and placements for children in care.

It is imperative that the Children's Strategy explicitly and fully addresses the Committee's Concluding Observations. As recommended by the Committee the Children's Strategy should be the delivery mechanism for the UNCRC. The Concluding Observations should be clearly referenced throughout the Strategy so that progress on these issues can be monitored.

⁶ Pg 24, Section 75 of the Northern Ireland Act 1998, A Guide for Public Authorities, Northern Ireland Equality Commission, April 2010.

The draft Children's Strategy fails to address a great number of the Committee's Concluding Observations (see Appendix 1 for the UN Committee's Concluding Observations). We have suggested throughout our response where some of the Committee's Concluding Observations could be reflected within the Strategy, however, we would recommend that the Department undertake a full review of the Children's Strategy to ensure that the Concluding Observations are fully incorporated and addressed. We are anxious that the final Children's Strategy provides real rights protections for children and young people, that it is founded on and implements the UNCRC and addresses the UNCRC Committee's Concluding Observations

Fulfilling the Legal Duty to Co-Operate

The Children's Services Co-operation Act (NI) 2015 imposes a mandatory statutory duty upon every children's authority to co-operate with other children's authorities and with children's services providers when exercising its children's functions. The implication of this is that in order to ensure legal compliance, co-operation should be part of the 'every day' functioning of children's authorities.

Individuals who are taking legal action against a children's authority will be able to rely upon the statutory duty to co-operate in cases where lack of co-operation results in failure of service provision.

As the duty is currently enforceable, it is surprising and very concerning that the duty to co-operate does not run through the fabric of the Strategy in terms of what the Strategy is measuring but rather falls to be considered separately at some point in future, if and when opportunities for co-operation are identified, when guidance may be produced and if proposed accountability structures are set up, once the Strategy is operational. This difficulty is exacerbated by the fact that the Strategy is a relatively long term strategy encompassing a ten year period.

Some examples of the areas that CLC have identified through casework as being relevant to the duty to co-operate include failure of Health Trusts to co-operate by sharing resources where set units of the same resource are allocated out to Trusts separately; difficulties in co-operation between Health Trusts and the EA to provide seamless joint packages of support when children are being discharged from mental health facilities; difficulties in ensuring that the EA or Trusts arrange timely direct intervention from allied health services for children with special educational needs and disabilities who may require these services in order to access the curriculum; refusal to provide physiotherapy input to a child with physical disability in a mainstream school; difficulties in identifying, co-ordinating and maintaining appropriate packages of health, social care and educational provision for children with complex educational needs and social care needs; absence of mechanisms of communication between professionals from health and education to ensure that identified needs are in fact met in a timely manner (e.g. implementation, monitoring and review of an Occupational

Therapist's advice or Speech and Language Therapist's advice within the school environment) i.e. advice/recommendations may be given with no follow through to see whether it has been effective or even whether it has been carried out at all, with children simply being discharged from the relevant service after the advice is given. Many of these issues arise as a direct result of duty bearers failing to discharge their statutory duty to co-operate.

It is CLC's view that effective co-operation is an essential precursor to improved outcomes for children. It is necessary to identify now where co-operation is working, where it is lacking, and where there are further opportunities for co-operation so that improvements in co-operation can be made and progress tracked and then reported on as required under section 5(3)(c) and 5(4)(a) of the Act.

CLC therefore urges that as part of this ten year Strategy, to give effect to the Children's Services Co-operation Act (NI) 2015, the Strategy identifies specific performance level indicators with which to monitor co-operation which is happening or should be undertaken by children's authorities and identifies how the reporting duties in section 5 of the Act are to be fulfilled within the reporting period.

In short, the "actions" which flow from the Strategy should involve co-operation between children's authorities and others as those are the actions which the legislation envisages will contribute to the wellbeing of children.

It is CLC's view that the Indicators within the Strategy should cut across the Outcomes areas i.e. currently the Strategy treats the outcomes as "separate" and allocates their indicators per department. This falls into the "silo mentality" trap that the legislation seeks to avoid. The Outcomes, being a composite function of wellbeing, are interdependent. It follows that the Indicators should cut across the outcomes.

For example, a child with special educational needs and/or disability may face significant academic and social barriers within education. In CLC's legal and advice work we see that such a child may develop mental health difficulties as a result of educational problems. One possible option would be develop an indicator to measure and track the mental/ emotional health of children and young people in primary and secondary school who are on the SEN register.

A wider analysis could also be undertaken within the same group based across all Outcomes that contribute to wellbeing. These children may face bullying, exclusion and discrimination. They may not feel safe. They may not be able to play with peers in school. They may not have the same opportunities to contribute their ideas and thoughts.

This is a discrete and very significant group of some 76,000⁷ children, in mainstream and special schools, crossing all of the section 75 groupings, who along with their parents and carers have in their possession a wealth of knowledge and experience relevant to the full range of Outcomes and potential cross-cutting Indicators that could be embedded within the Strategy. CLC believes that these children are not properly represented within the Indicators and that this would be a missed opportunity to help those children whose difficulties in service access formed a significant part of the reasoning behind the enactment of the Children's Services Co-operation Act (NI) 2015. Since this group accesses a wide range of children's services across Departments, they also represent an ideal mechanism by which to measure co-operation and its impact upon wellbeing as part of the Strategy.

Funding the Children's Strategy

It is regrettable that the Children's Strategy is being consulted on without a clear and costed budget and in particular that there is no specific duty or provision for sharing or pooling of resources, be they financial or human resources across departments. Some active work around setting a cross-departmental children's services budget, even on a limited basis for one or more discrete areas of work where a need for co-operation can be identified, could be instrumental in putting co-operation into effect and enabling it to be tracked and measured both in itself and against the Outcomes that are encompassed in the definition of "wellbeing" of children. Further a cross-departmental children's services budget is likely to result in the more effective use of resource resulting in better outcomes and may therefore mitigate against the need for increased resourcing.

Given the uncertainty of the future availability of resources to fund the proposed Outcome areas over the lifetime of the Children's Strategy, CLC is concerned that a lack of financial and human resources planning will undermine the ability of Outcomes to be taken forward in a long term and adequately planned manner.

During 2015/16, Northern Ireland government departments saw a significant reduction in real terms in budget allocation. We believe it is imperative therefore that an innovative approach is taken to protect existing spend and align future expenditure to ensure services for children and young people are protected. This we believe will better ensure the rights of the 'whole child' in a holistic way and in a manner which has the best interests of the child as the paramount consideration.

In their most recent Concluding Observations, the UN Committee on the Rights of the Child commented that:

⁷ DE Statistical Bulletin 2/2017

“In accordance with article 4 of the Convention and Sustainable Development Goal 10, Targets 10.2 and 10.4, the Committee urges the State party [the United Kingdom and devolved administrations] to allocate the maximum extent of available resources for the implementation of children’s rights, with a special focus on eradicating child poverty and reducing inequalities within and across all jurisdictions. In this endeavour, the Committee recommends that the State party:

- a) Utilize a child-rights approach in the elaboration of the State budget, by implementing a tracking system for the allocation and use of resources for children throughout the budget;*
- b) Ensure transparent and participatory budgeting through public dialogue, including with children;*
- c) 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;*
- d) 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;*
- e) Establish mechanisms to monitor and evaluate the adequacy, efficacy and equitability of the distribution of resources allocated to the implementation of the Convention.⁸*

We would therefore recommend that the Children’s Strategy and the associated budget builds into its foundations that resources for children and young people are tracked throughout; that children and young people are engaged in the decision making process from the very beginning; that budgetary lines are defined and ring fenced for disadvantaged children and young people; that child rights impact assessments are regularly undertaken; and that the distribution of resources allocated to implement the UNCRC are monitored and evaluated.

Outcomes Based Accountability

CLC note that the Children’s Strategy has been developed using the Outcome Based Accountability (OBA) model.

Whilst we appreciate that this approach does not identify an Indicator for all the issues that stakeholders are concerned with and understand that further detail will be offered at a ‘performance level’, we believe that there are some important aspects of the OBA model missing from the Children’s Strategy.

⁸ CRC/C/GBR/CO/5 para 13

The National Children's Bureau have published a guide entitled 'Outcomes Based Accountability: What is it and how can NCB help you?'⁹ The guide sets out the 7 population accountability questions, which CLC believe should be dealt with at Strategy level:

1. What are the quality of life conditions we want for our children, adults and families who live in our communities?
2. What would these conditions look like if we could see them?
3. How can we measure these conditions?
4. How are we doing on the most important of these measures?
5. Who are the partners that have a role to play in doing better?
6. What works to do better, including no-cost and low cost ideas?
7. What do we propose to do?

Within the Strategy, the Department has successfully identified a range of issues that are important and need urgently addressed. However, there has been little attempt to identify who the partners are that have a role to play in doing better, identifying what works to do better or practical proposals to turn the curve. CLC would urge the Department, working with key stakeholders to fully review the Strategy to include these crucial elements of the OBA model.

We note at the end of each chapter there is a section entitled 'What needs to be done'. The statements within the 'What needs to be done' are too vague for it to be assess whether the Strategy will deliver the quality of life conditions we want for our children.

Data

CLC note the headline indicators and would request information on the following:

- (i) Which indicators are yet to be developed/ baselines established and the process/ timeframe for this?
- (ii) In relation to additional indicators identified (outlined in Chapter 8 of the consultation document), what process will be used to decide which indicators are taken forward? Information on how these indicators will be taken forward and the timeframe for this would also be welcome.

We would also be grateful for links to data relating to indicators which have already been developed and we seek assurance that all datasets are child-specific and disaggregated under all section 75 groups.

⁹ <https://www.ncb.org.uk/northern-ireland/outcomes-based-accountability>

Aim of the Strategy

The proposed Aim of the Executive's Children and Young People's Strategy is:

"To work together to improve the well-being of all children and young people in Northern Ireland – delivering positive long-lasting outcomes."

We broadly support this aim, but believe that the language should be amended to attribute the correct degree of weight to the UNCRC and ensure that it is central to the Children's Strategy and recognisable at every level. Therefore, CLC would suggest that the aim should encompass the notion of all children and young people in Northern Ireland fully realising their rights, as set out in the UNCRC.

CLC is extremely supportive of the aim to work together so that there is better co-operation by Government in the delivery of children's services but as mentioned above we have concerns about how this Strategy will impact upon the fulfilment of the legal duty to co-operate in practical terms.

Key Principles

CLC note that the consultation document proposes key principles that the Strategy and its delivery will be guided by, namely:

Participation

CLC support the principle of participation as a key element of developing and delivering the Children and Young People's Strategy and welcome the recognition that taking the account of the views of children and young people should not be a one-off process, but involve *"ongoing engagement with a diverse range of children and young people, including those whose voice is seldom heard, on all issues affecting their lives"*¹⁰. CLC would welcome an express reference to Article 12 of the UNCRC within this principle and draw the Department's attention to the United Nations Committee on the Rights of the Child Concluding Observations (July 2016) when giving effect to this principle within the Strategy:

"With reference to its general comment No. 12 (2009) on the right of the child to be heard, the Committee recommends that the State party:

- (a) Establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national levels, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care, sexual and reproductive education, leisure and play. Particular attention should be paid to involving younger children and children in vulnerable situations, such as children with disabilities;*

¹⁰ Consultation document – page 25

- (c) *Expedite the establishment of youth parliaments in all devolved administrations and territories as permanent forums for children’s effective engagement with national legislative processes on issues that affect them;*
- (d) *Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children.”¹¹*

CLC would strongly recommend that the Children’s Strategy takes full cognisance of the recommendations made by the UN Committee and would suggest that the Department give careful consideration to how best the Strategy can give full effect to the Committee’s recommendations. The establishment of a Youth Parliament in NI must be one of the firm commitments that emerge from this Strategy.

Partnership

CLC note that recognition that *“for the well-being of children and young people to be improved, a range of bodies must work in co-operation.... [and] therefore propose to adopt a partnership approach whereby we each make different commitments to actions which will support the delivery of the eight outcomes.”*

Given that the Children’s Services Co-operation Act (Northern Ireland) 2015 states:

2 (1) 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.

(4) “Children functions” are any functions which may contribute to the well-being of children and young persons.

CLC would recommend strengthening the language within the Strategy under the Partnership principle section to reflect the statutory duty to co-operate, rather than the proposal of a partnership approach.

Co-design

CLC welcome the co-design approach that has been adopted to develop the Children’s Strategy and the recognition that close relations with all stakeholders should continue as the Strategy is delivered. CLC would urge that a continuing engagement with children and young people is employed as the Strategy is delivered and not just engagement with those that work with children and young people (as currently proposed)¹².

Evidence informed

CLC note that the Strategy states: *“there is a wealth of data that currently exists on children and young people. This information should be used effectively to inform policy development. It is important that this information is shared and interested parties*

¹¹ CRC/C/GBR/CO/5 para 31

¹² Consultation document page 25

consider the connected nature of such data. The development of this Strategy has been informed using the best available evidence.”

CLC support the development of the Strategy through an evidence base, however, we are extremely disappointed in relation to the data and indicators currently proposed within the Strategy and have significant reservations as to whether the indicators identified are the correct ones to enable it to be determined if outcomes for children and young people are being delivered. We are concerned about the absence of disaggregated child specific data and that some of the indicators are based on ‘adult’ data. This is dealt with in more detail further within this response.

CLC note that the Strategy recognises that *“there are still areas in the lives of children and young people where the availability of better data would facilitate more informed policy decisions. Therefore, we need to consider an appropriate data development agenda that will support future decision making in relation to strategies, policies and programmes”*. The Northern Ireland Executive should, in compliance with their section 75 Northern Ireland Act 1998 obligations, already have collected disaggregated data in respect children and young people. If they have not done so to ensure that the Children’s Strategy is fit for purpose, the NI Executive must develop and implement as a matter of urgency, data gathering systems that allows for the collation and monitoring of disaggregated data on all aspects of the lives of children and young people.

Focused on early intervention

CLC welcome a focus and specific emphasis on prevention and early intervention (both intervening at an early age and/ or at an early stage in a problem) and on children and young people who need our help most.

Age appropriate actions

CLC welcome the mindfulness to the fact that the needs of our children and young people are linked to their stage of development and age.

Rights based

CLC welcome the reference to the UNCRC as a fundamental principle of the Children’s Strategy, however, we would recommend amending the language used within the Strategy on page 26 i.e. *“we must have regard where appropriate the relevant provisions within the UNCRC...”* to language that reflects the placing of the UNCRC as the keystone of the Children’s Strategy.

In order to ensure the effective operation of the Children’s Strategy for Northern Ireland, it must take account of the both the principles of the Convention, as well as the UN Committee on the Rights of the Child Concluding Observations and General Comments and give effect to the minimum set of rights for children and young people

contained therein. We are concerned that without this commitment to the UNCRC and Committee recommendations that the Children's Strategy will fail to make a reality of rights for children and young people in Northern Ireland.

The UNCRC is the minimum standard that children are entitled to in terms of their rights. Adequate weight needs to be attributed to the Convention to ensure the promotion and awareness raising of children's rights and the mainstreaming and full implementation of the UNCRC. The Children's Law Centre recognises the opportunity that this draft Children's Strategy presents for all children in Northern Ireland, but in particular, for those children who are excluded and marginalised and those most in need. We see the full implementation of the UNCRC through the Children's Strategy as the only way to deliver on the Strategy's vision and values and to secure the meaningful realisation of the rights of children and young people in Northern Ireland.

Subject to review

CLC welcomes the principle of regularly reviewing the Strategy with the support of stakeholders, including children and young people. It is important that when reviewing the Strategy with children and young people that *"children are not only heard but also listened to and their views given due weight by all professionals working with children."*¹³

Proposed new structures

CLC note that the Strategy proposes to establish new structures to oversee the delivery of the Strategy, provide clear lines of accountability, aid co-operation, promote the sharing of information, ensure effective communication, and support ongoing engagement with interested parties. However, we remain concerned that there are no Indicators within the Strategy as currently proposed, which record, measure or track progress in relation to fulfilment of the legal duty to co-operate over the coming ten year period.

A Ministerial Sub-Committee for Children and Young People

CLC welcome the proposal to establish a Ministerial Sub-Committee for Children and Young People. It is hoped that this will provide the mechanism to ensure wider political stewardship of the Strategy.

It is noted that the Ministerial Sub-Committee for Children and Young People will be ultimately responsible for its delivery and for improving the lives of children and young people and will be accountable to the Executive – submitting the update report on the delivery of the Strategy and oversee and promote co-operation across Departments and their agencies. CLC would recommend that the Ministerial Sub-Committee also

¹³ CRC/C/GBR/CO/5 para 31

ensure the effective coordination of the implementation of the Convention in NI. The UN Committee on the Rights of the Child recommended in July 2016 that:

“In each of the devolved administrations, overseas territories and Crown dependencies, establish an appropriate statutory body at a high inter-Ministerial level with a clear mandate and sufficient authority to coordinate all activities across relevant sectors related to the implementation of the Convention.”¹⁴

Strategy Group

CLC welcome the proposal to establish a Children and Young People’s Strategy Group which will support the co-ordination of all policy matters affecting children and young people, with a focus on monitoring the progress of the Strategy against agreed outcomes/ indicators. CLC would recommend that this Strategy Group are also tasked with strengthening the co-ordination and evaluation of the implementation of the Convention at the national level. ¹⁵

Stakeholder Forum

CLC note the proposal to arrange a Stakeholder Forum on an annual basis to allow representatives of civic society and front-line practitioners to advise policy makers on progress against outcomes and emerging issues relating to children and young people.

The UNCRC Committee suggests that reports which offer a comprehensive overview of the state of children's rights be produced annually.¹⁶ CLC would therefore recommend the publication of a children’s rights report to coincide the with annual Stakeholder Forum meeting. Frequent monitoring is essential in order to establish areas which need to be reviewed or further progress made and to ensure that where remedial action is necessary it is taken quickly and effectively.

Ongoing engagement with children and young people

CLC welcome the recognition within the Strategy that ongoing engagement with children and young people is absolutely necessary so that policy makers and service deliverers understand their needs.

CLC note that it is intended to utilise existing fora which engage with children and young people and provide a platform for their views to be heard. CLC welcome the acknowledgment that these should be inclusive and accessible for all children and young people and used to inform policy, programme and strategies and that particular

¹⁴ CRC/C/GBR/CO/5 para 11

¹⁵ CRC/C/GBR/CO/5 para 11

¹⁶ CRC/C/GC/2003/5

effort should also be made to engage with children and young people who may be marginalised or seldom heard. CLC note that it is proposed that engagement with children and young people will take place within existing fora. However, CLC would strongly commend the inclusion of the commitment within this Strategy to the establishment of a Youth Parliament in NI in line with the UN Committee on the Rights of the Child's recommendation to "*expedite the establishment of youth parliaments in all devolved administrations and territories as permanent forums for children's effective engagement with national legislative processes on issues that affect them*" and "*ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children.*"¹⁷ Further the proposal for engagement through existing fora must take cognisance of the fact that, largely as a result of cuts in statutory funding to the voluntary and community sector, the continuation and viability of existing fora are under threat. Reflecting the Strategy's commitment to both the key principle of participation and ongoing engagement with children and young people, there should be a clear undertaking within the Strategy to fund young people's groups which promote and facilitate young people's participation in policy and decision making.

Youth@CLC felt very strongly about the issue of participation and ongoing engagement. They expressed frustration with the proposal that existing fora will be utilised for engagement, given that the government has not prioritised funding for this work. Youth@CLC pointed to the example of the UK Youth Parliament, advising that the Department of Education, the British Youth Council and the NI Assembly have all been unable to find the resources to support the 18 MYPs for NI, meaning that NI no longer "*has a seat at the table in the UK Youth Parliament.*"¹⁸ This, coupled with the failure to establish a Northern Ireland Youth Assembly signals to children and young people the lack of political will to hear the voices of children and young people in NI, with one young person asking, "*Why will they not? Are they scared of us?*"¹⁹

Youth@CLC also highlighted the 'Make Your Mark' campaign as a good example of providing young people with a platform to have their voices heard. The last 'Make Your Mark' had a total of 978,216 young people taking part in the Make Your Mark ballot. The ballot decided what members of the UK Youth Parliament should debate and vote on to be their campaign for in 2017.²⁰ Youth@CLC members highlighted the importance of youth participation as "*it needs to be young people inspiring other youth people.*"²¹

¹⁷ CRC/C/GBR/CO/6 para 30

¹⁸ Consultation with youth@CLC 16/2/2017

¹⁹ Consultation with youth@CLC 16/2/2017

²⁰ <http://www.ukyouthparliament.org.uk/makeyourmark/>

²¹ Consultation with Youth@CLC 16/2/2017

Proposed Outcomes to Improve Well-being

Outcome: Children and young people are physically and mentally healthy

This Outcome identifies 4 priority areas where the greatest effort is needed, namely:

- Infants: by establishing good health habits in the home from an early age the foundations for achieving this outcome will be established.
- Children and young people with mental health problems: Concerns relate to depression and anxiety, eating disorders, drug and alcohol related problems and increased levels of self-harm.
- Children and young people with a disability and/or complex health needs, including life limiting conditions: We must ensure that disabilities are not a barrier to the realisation of this or other outcomes for these children and young people.
- Children and young people living in areas of deprivation: Health outcomes for our children and young people can be significantly affected by where they live and whether their family experiences poverty.

The proposed headline indicators are as follows:

- Childhood obesity: percentage of Primary 1/ Year 8 children who are obese – including breakdown by deprivation quintiles to examine the impact of deprivation.
- Low birth weight – the proportion of babies born at a low birth weight.
- Mental health and emotional well-being: percentage of children and young people with GHQ12 scores less than or equal to 4 – signifying a possible mental health problem (GHQ12 is a screening device for identifying minor psychiatric disorders).

Infants

CLC welcome the focus on early intervention and welcome the associated indicator which will gather information on the percentage of Primary 1 and Year 8 children who are obese – including breakdown by deprivation quintiles to examine the impact of deprivation. This reflects concerns of the UN Committee on the Rights of the Child who highlighted the *“high prevalence of overweight and obesity among children in many parts of the State party.”*²² In response to this concern, the Committee recommended that the State Party *“systematically collect data on food security and nutrition for children, including those relevant to breastfeeding, overweight and obesity, in order to identify the root causes of child food insecurity and malnutrition.”*²³

²² CRC/C/GBR/CO/5 para 66

²³ CRC/C/GBR/CO/5 para 67

CLC would therefore recommend that the Strategy takes the opportunity to implement this recommendation in full and that sub-sets of data are also employed which take into account the range of issues identified by the Committee in relation to food security and nutrition.

The National Policy Framework for Children & Young People 2014 – 2020 (Ireland), for example use the measure of breastfeeding initiation rates as one of their key indicators in their ‘active and healthy’ outcome.²⁴ Additionally, CLC are aware of American research into the percentage of children (age 0 – 17) in food insecure households.²⁵ It may be useful for the NI Executive to consider a similar approach.

Mental health

Mental health is consistently one of the key issues of concern raised by young people with the Children’s Law Centre. Our casework for and on behalf of young people indicates that the mental health needs of our young people continues to grow and the diversity of those needs has increased. **Given the significant numbers of children impacted upon by poor mental health, it is imperative that mental health has adequate priority within the Strategy and that the relevant indicator specifically relates to children, is fit for purpose and is measured fully and accurately.**

CLC note with considerable concern that the Strategy proposes to utilise the GHQ12 scores to ascertain the percentage of children and young people with possible mental health problem. The Strategy itself recognises (page 100) that the GHQ12 scores are not recommended for use with all children under 16. Furthermore, the Department of Health, in their delivery plan for Indicator 6 relating to mental health within the Programme for Government recognises the unsuitability of using GHQ12 for measuring mental health needs:

“The issue with GHQ 12 is that it essentially measures potential prevalence of ill-health and arguably does not exactly correlate with mental health generally, so that even if all the necessary mental health investment and reform could be made to happen, there would be no effect on GHQ12 as it is not the right measurement to use. We continue to discuss and consider potential alternatives.”²⁶

The indicator in relation to mental health potentially omits a large section of children who actually require or are using mental health services. The outcomes for these children and those awaiting services are highly relevant and arguably much more pertinent to the aims of the Strategy. For example in our work we see that there are

²⁴ http://www.dcy.gov.ie/documents/cypp_framework/BetterOutcomesBetterFutureReport.pdf

²⁵ http://www.childtrends.org/wp-content/uploads/2016/12/117_Food_Insecurity.pdf

²⁶ Programme for Government Delivery Plan - Indicator 6

groups of young people who are in hospital for mental health assessment or in detention for treatment as well as those who need access to CAMHS Services. There are many young people with SEN and disabilities who are developing co-morbid mental health difficulties and emotional problems relating to educational and social barriers. There are children with SEN and disabilities who are excluded from school both formally and informally who feel isolated and suffer from very high levels of anxiety and depression. Children with learning disabilities or with communication difficulties are not going to be captured at all by the proposed Indicator.

Youth@CLC also expressed concern in relation to the use of GHQ12 scores. They felt that the self-reporting element to GHQ12 would mean that people would downplay and under report their mental health needs.

CLC would therefore recommend that the Strategy identifies a different, more suitable dataset which cuts across the proposed Outcomes, particularly across health and education. We feel it is a matter of absolute priority that the Indicator/s include those under the age of 16. There is a wealth of information that could be used to formulate a more useful indicator, such as the number of children referred to CAMHS services; the number of children accessing counselling services at school or via health trusts; the number of children with SEN who are categorised as having social, emotional and behavioural difficulties; the number of children who receive EOTAS and home tuition provision because they cannot cope at school; the number of children admitted to or detained in Beechcroft/ Iveagh for assessment and treatment. Measurements such as these would have greater validity because they capture the issues that children are facing day in and day out with impacts upon health, education and general wellbeing.

It is imperative that work is undertaken to collate *existing* data relating to children and young people with mental health needs in order to ensure that funding and services are put in place to 'turn the curve' for this particularly vulnerable section of our society. The Department of Health will already have carried out a similar exercise in its consideration of the position of children and young people under the Mental Capacity Act 2016 and this work could be built upon.

That said, in the Northern Ireland context, the Bamford Report (2006) acknowledged that:

"Very little epidemiological study of child mental health problems has been carried out in Northern Ireland and the rates of many problems and disorders have to be extrapolated from British and international studies. The influential study of 10,000 children aged 5-15 published by the Office of National Statistics (ONS) [Green et al. 2005] was only carried out in England, Wales and Scotland and did not extend to NI...However NI is distinguished by higher levels of socio economic deprivation,

*ongoing civil strife and higher prevalence of psychological morbidity in the adult population. It is likely therefore that the prevalence of mental health problems and disorders in children and young people will be greater in NI than in other parts of the United Kingdom (UK). The Chief Medical Officer's report, Health of the public in Northern Ireland, estimated that more than 20% of young people are suffering "significant mental health problems" by their 18th birthday.*²⁷

One of the conclusions of the Bamford report was, as indicated above, that "a study of the mental health needs of children in Northern Ireland should be commissioned as soon as possible".²⁸ **Eleven years on from Bamford this has yet to be done.** This Strategy therefore needs to contain a firm commitment to undertaking a full and comprehensive study of the mental health needs of children and young people in Northern Ireland. This is essential in properly assessing levels of need so that children's mental health needs are known and services can subsequently be planned for. Without such a comprehensive study being carried out it is difficult to see how Government can properly plan for the needs of young people in the future.

In Scotland a set of national Mental Health indicators has been established for children and young people. The indicators provide a means of assessing and monitoring the mental health of Scotland's children and young people over time and has enabled the development of the first national mental health profile for children and young people (aged from pre-birth to 17 years) resulting in a greater understanding of the current and changing picture of mental health within this population and the factors that influence it.

The final report for the children and young people's mental health indicators in Scotland describe in detail the background to the work, the process undertaken in creating the indicators, the rationale and achievements of the project including the indicators, their evidence-base, measures and associated data sources and recommendations. Overlaps with other Scottish policies and strategies for children and young people are also highlighted. The final briefing paper (2011) provides a summary of the final output from the work.²⁹ The report "Scotland's mental health: Children and young people 2013" provides a systematic assessment of the mental health and associated contextual factors of the population of children and young people in Scotland. It presents single point-in-time estimates, using the latest available data, and also, where possible, an analysis of time trends over the last decade and equalities analysis by age, gender, the Scottish Index of Multiple Deprivation (SIMD) and urban-rural classification for mental health outcomes and age and gender for the associated contextual factors.³⁰

²⁷ Bamford Review 2006 p 5

²⁸ Bamford Review 2006 p 25

²⁹ <http://www.healthscotland.com/scotlands-health/population/mental-health-indicators/children.aspx>

³⁰ <http://www.scotpho.org.uk/publications/reports-and-papers/1159-scotlands-mental-health-children-and-young-people-2013>

CLC would recommend the work undertaken by the Scottish government is used as a framework for the Northern Ireland Executive to develop a child appropriate indicator and data collection in respect of mental health.

Furthermore, the National Policy Framework for Children & Young People 2014 – 2020³¹ in Ireland use an indicator measuring the total suicide and intentional self-harm death rates per 100,000 and Kent's Multiagency Strategic Plan for Children and Young People 2013 – 2016³² uses an indicator relating to the total number of cases waiting for a CAMHS Needs Assessment. CLC would encourage the use of similar indicators for the Children's Strategy when developing the sub-set of indicators which relate to mental health.

Furthermore, in the recent examination of the UK government, the UN Committee on the Rights of the Child recommended that the State party (the United Kingdom and devolved administrations):

- *Regularly collect comprehensive data on child mental health, disaggregated across the life course of the child, with due attention to children in vulnerable situations, and covering key underlying determinants;*
- *Rigorously invest in child and adolescent mental health services and develop strategies at national and devolved levels, with clear time frames, targets, measureable indicators, effective monitoring mechanisms and sufficient human, technical and financial resources. Such strategy should include measures to ensure availability, accessibility, acceptability, quality and stability of such services, with particular attention to children at greater risk, including children living in poverty, children in care and children in contact with the criminal justice system;*
- *Expedite the prohibition of placement of children with mental health needs in adult psychiatric wards or police stations, while ensuring provision of age appropriate mental health services and facilities;*
- *Support and develop therapeutic community-based services for children with mental health conditions;*
- *Review current legislation on mental health to ensure that the best interests and the views of the child are taken duly into account in cases of mental health treatment of children below the age of 16, in particular with regard to hospitalization and treatment without consent.*³³

CLC would strongly recommend that this Strategy addresses the concerns and recommendations made by the UN Committee on the Rights of the Child in relation to Mental Health as a minimum standard.

³¹ http://www.dcy.gov.ie/documents/cypp_framework/BetterOutcomesBetterFutureReport.pdf

³² https://www.kent.gov.uk/_data/assets/pdf_file/0003/12000/Multiagency-strategic-plan-for-children-and-young-people.pdf

³³ CRC/C/GBR/CO/5 para 60

Youth@CLC felt that there should be a reference to the need for alcohol and drug addiction services, particularly in relation to those under 16. They expressed concern in relation to the fact that treatment is provided by either a mental health team or an addiction team, as they felt that there should be the option for dual treatment.

Youth@CLC also expressed concern in relation to underage drinking and felt that more should be done to raise awareness in relation to the dangers of alcohol.

Youth@CLC also highlighted the long waiting lists for young people needing to avail of community mental health services.

Furthermore, Youth@ CLC recommended the use of the 'Take 10' app, which is currently being piloted in some schools as a means of helping with stress and wellbeing.

Children and young people with a disability

CLC note within the Strategy the recognition that *“children and young people with a disability and/or complex health needs obviously require support in terms of their health but also to ensure that their disability does not become a barrier to the realisation of other outcomes. Extra effort is required to ensure these children and young people are given the opportunity to achieve in education; have time and space to play; are listened to; and have their rights respected. The needs of the child or young person should be paramount and services tailored for each individual, with additional support and assistance provided at times of transition. The needs of the families of these children and young people should also be considered – they also need support as they manage situations that can be difficult.”*³⁴

While this is welcome, the Strategy does not contain any proposed indicators or actions relating to disability. It is therefore difficult to see how the Children’s Strategy will prioritise children and young people with a disability or “turn the curve” in respect of this large disadvantaged group of children. This is particularly worrying given that the Programme for Government Delivery Plan relating to people with a disability points to the Children’s Strategy as the mechanism for delivering outcomes for children and young people with disabilities:

“We will work with our colleagues in education on the development and implementation of the next Children and Young People Strategy (CYPS) to ensure that children and young people with disabilities and their families have:

- i. Good physical and mental health*
- ii. The enjoyment of play and leisure*
- iii. Learning and achievement*

³⁴ Consultation document – page 47

- iv. *Living in safety and with stability*
- v. *Having economic and environmental well-being*
- vi. *Being able to make a positive contribution to society*
- vii. *Living in a society which respects their rights.*
- viii. *Living in a society in which equality of opportunity and good relations are promoted.*

In addressing these issues it is anticipated that we will also impact positively on the families of children and young people with a disability.”³⁵

The UN Committee on the Rights of the Child, in their examination of the UK government’s implementation of the UNCRC recommended that the State Party adopt a human rights-based approach to disability, set up a comprehensive strategy for the inclusion of children with disabilities and:

- (a) Ensure full respect of the rights of children with disabilities to express their views and to have their views given due weight in all decision-making that affects them, including on access to and choice of personal support and education;*
- (b) Set up comprehensive measures to further develop inclusive education, ensure that inclusive education is given priority over the placement of children in specialized institutions and classes and make mainstream schools fully accessible to children with disabilities;*
- (c) Provide children with disabilities with a comprehensive and integrated package of services for transition to adulthood, from a sufficiently early stage, by coordinating legislation, policy and programmes across relevant sectors, and ensure fully informed decisions by children with disabilities on their personal choice in the transition, by involving them in the design of services and by providing advice and information on available options.³⁶*

CLC would therefore recommend that the Children’s Strategy makes a clear commitment to the creation of a comprehensive strategy for the inclusion of children with disabilities which addresses the concerns and recommendations made by the UN Committee on the Rights of the Child. It is also imperative that the all Indicators proposed within the Children’s Strategy are disaggregated to include children with a disability, as well as the other groups relevant to Section 75 of the Northern Ireland Act 1998, to ensure that the Children’s Strategy is “turning the curve” for all of our young people.

It has been a longstanding problem that government departments in Northern Ireland have not been collecting even the most basic data in a manner that translates across

³⁵ Programme for Government Delivery Plan: Indicator 42 page 7

³⁶ CRC/C/GBR/CO/5 para 57

departmental lines, in relation to children with disabilities. CLC has long argued in relation to the implementation of the UNCRPD via the Disability Strategy and in relation to the Programme for Government that it is a matter of priority that data is collated in relation to how many children in Northern Ireland have a disability and what the breakdown is in relation to disability amongst the full range of age groups. If appropriate data is not gathered as to how many children with disabilities there are, then government departments cannot possibly plan coherently for co-operation in the delivery of services to these children. As the domestic statutory duty to collect such data has been in existence since the commencement of section 75 Northern Ireland Act 1998, the absence of disaggregated child specific data in respect of disabled children cannot be defended.

CLC therefore recommends that the Children’s Strategy provides for data collection across departments in relation to children with disabilities and measures the prevalence and nature of children’s disabilities in Northern Ireland to enable monitoring of outcomes for this group.

Deprivation

CLC note the recognition within the Strategy that *“health outcomes for our children and young people can be significantly affected by where they live and whether their family experiences poverty.... This inequality in health outcome must continue to be tackled.”*³⁷ However, the Strategy does not provide any further detail in relation to how this inequality will be tackled, nor does it propose an indicator to measure the success of any interventions. CLC await further detail in relation to this is any subsequent implementation plan for the Children’s Strategy and would recommend an indicator which measures the correlation between the impact of welfare reform cuts and health outcomes, for example a measure that tracks households not reaching a Minimum Income Standard against childhood obesity.

CLC would recommend an additional indicator linked to this Outcome which measures levels of physical activity. It is understood that a similar indicator is used in a number of countries. The Active Health Kids Global Alliance, for example, organised the concurrent preparation of report cards on the physical activity of children and youth in 38 countries from 6 continents. Nine common indicators were used (overall physical activity, organised sport participation, active play, active transportation, sedentary behaviour, family and peers, school, community and the built environment, and government strategies and investments).³⁸ CLC note that England, Scotland, Wales and Ireland all participate in this work, but there is no mention of Northern Ireland. CLC would recommend that as part of the data development agenda for the Children’s Strategy that consideration is given in developing an Active Health Kids NI Report

³⁷ Consultation document – page 47

³⁸ <http://www.activehealthykids.org/>

Card. This Scottish government has said of its report card that *“it provides an accurate, critical, current, and comprehensive assessment of the physical activity and health of Scottish children and adolescents. The Report Card should be useful as an advocacy tool, as the basis of public debate, policy discussion and change, and research proposals.”*³⁹ An indicator measuring physical activity would not only help assessing the Outcome relating to the physical and mental health of our children and young people, but could also be utilised for the outcome concerned with play and leisure.

Outcome: Children and young people enjoy play and leisure

This Outcome identifies 4 priority areas where the greatest effort is needed, namely:

- Early years: play and leisure needs to be encouraged and supported from birth.
- Children and young people with a disability: children with a disability, and their families, require additional support for play and leisure activities.
- Children and young people in poverty: children from less affluent backgrounds are much less likely to participate in structured play, cultural or arts-based activities.
- Young people: it is important that teenagers are given the freedom, time and space to enjoy self-directed play and leisure.

The proposed headline indicator is as follows:

- Enjoyment of play and leisure: the enjoyment experienced by children and young people as they play in their homes, their communities, their schools and their local play facilities.

CLC welcome the focus on play and leisure, particularly given the UN Committee on the Rights of the Child recommendation for the UK government and devolved administrations to *“strengthen its efforts to guarantee the right of the child to rest and leisure and to engage in play and recreational activities appropriate to the age of the child, including by adopting and implementing play and leisure policies with sufficient and sustainable resources”*.⁴⁰

It is difficult to ascertain how this proposed indicator will measure access to opportunities for play and leisure as it is not clear how “enjoyment” in the various environments would be measured. As well as a lack of play facilities generally for children, there is the issue that there are particular groups of children who face additional barriers to play and leisure which may require a proactive focus to enhance equality of opportunity. For example, children with SEN and disabilities face barriers to mainstream play and leisure opportunities as well as opportunities designed to promote participation which are tailored to specific disabilities. Perhaps a more

³⁹ <http://www.activehealthykidsscotland.co.uk/>

⁴⁰ CRC/C/GBR/CO/5 para 75

specific measure could be added e.g. sampling around the number of children who access extra-curricular activities after school and a breakdown of these children in terms of section 75 groupings.

There are also an unidentified group of children with SEN and disabilities who are not attending school or are attending part-time or are accessing EOTAS or home tuition. Such children may face social isolation and limitation on leisure and play activities. Work should be done, as mentioned earlier, to identify how many such children there are and to try and reduce that number so that opportunities can be boosted for these most vulnerable children.

CLC has suggested to the DE in our response to the revised SEN Regulations that the proposed Regulation 7 could be amended to require Boards of Governors to notify the EA when children who are receiving EA intervention are informally excluded from school (e.g. by being placed on restricted school days or being sent home early). Collection of this data could inform the Children's Strategy by counting a large proportion of the children who are informally excluded so that this problem can be identified fully and steps taken to resolve it, with a view to improving outcomes for the relevant children.

Furthermore, Youth@CLC felt that there should be an indicator which explored the uptake of leisure facilities by young people in each area, so that gaps in service provision could be planned accordingly.

Youth@CLC also felt very strongly about the need for youth-only leisure spaces, "*even just somewhere to sit.*"⁴¹ The members of Youth@CLC felt that there should be youth dedicated spaces which provided health and well-being services, leisure facilities, have the capacity to host concerts and inspirational speakers, which are no cost or low cost to young people. Members pointed to T13 in the Titanic Quarter as an example of good practice of a welcoming, inclusive leisure space for children and young people. Youth@CLC also praised a previous initiative undertaken by Belfast City Council/ Belfast City Council Youth Forum, where a shuttle bus was kitted out with DJ equipment, arts/ crafts activities etc. and then acted as a mobile youth centre as it parked up in different parts of the city on different nights.

Youth@CLC also suggested developing youth friendly spaces in vacant space above shops in city and town centres and advocated for the inclusion of young people when plans are initiated to regenerate spaces. This is particularly relevant given young people have repeatedly informed CLC of the demonisation young people suffer at the hands of their communities and the PSNI, and the regularity with which they are moved on or stopped and searched. In that context the indicators for this outcome must reflect the inter-relationship of this outcome to all the other outcomes, including the outcome

⁴¹ Consultation with Youth@CLC 16/2/2017

relating to living in safety and stability and the outcome relating to respecting children's rights.

In relation to 'what needs to be done', CLC would recommend additional actions which address the recommendations made by the UN Committee on the Rights of the Child which include:

(b) Provide children, including those with disabilities and children in marginalized and disadvantaged situations, with safe, accessible, inclusive and smoking-free spaces for play and socialization and public transport to access such spaces;

(c) Fully involve children in planning, designing and monitoring the implementation of play policies and activities relevant to play and leisure, at the community, local and national levels.⁴²

CLC also welcome the proposal to develop an indicator which captures the proximity to "a high value and accessible play space".

Outcome: Learning and achievement

This Outcome identifies 5 priority areas where the greatest effort is needed, namely:

- Pupils entitled to free school meals: it is important that our most disadvantaged learners are given particular focus and evidence clearly demonstrates that social disadvantage has the greatest single impact on attainment.
- Children and young people with Special Educational Needs (SEN): work needs to continue to ensure that all pupils with learning difficulties receive a high quality education and fulfil their potential.
- Care experienced children and young people: children and young people leaving care are at greater risk of not transitioning to employment, education or training. It is important that they are supported during their education and as they transition out of education and out of care, to ensure they experience positive outcomes.
- Newcomer, Traveller and Roma children and young people: There is a clear and demonstrable attainment gap for children and young people who are newcomers to NI, from Traveller or Roma communities.
- Children and young people in custody: These young people should receive education provision to the same standards, under the same legal basis as any other young person.

The proposed headline indicators for this Outcome are as follows:

⁴² CRC/C/GBR/CO/5 para 75

- Child development: percentage of children who are at the appropriate stage of development in their immediate pre-school year
- Educational attainment: percentage of school leavers achieving level 2 qualifications (5+ GCSEs at A* - C or equivalent including GCSE English and Maths)
- Educational inequality: Gap between percentage of non-FSME school leavers and percentage of FSME school leavers achieving level 2 qualifications (5+ GCSEs at A* - C or equivalent including GCSE English and Maths)

CLC welcome the explicit reference to Articles 28 and 29 of the UNCRC which outlines that all children and young people should have access to an education which will develop their personality, talents and abilities to their fullest potential. We also welcome the identification of greatest need in social disadvantage, Special Educational Needs, care experienced young people, Newcomer, Traveller and Roma children and young people and children and young people in custody. This reflects the concerns of the UN Committee on the Rights of the Child (July 2016) which outlined that “*substantial inequalities persist in educational attainment, particularly for boys, children living in poverty, Roma, gypsy and traveller children, children with disabilities, children in care and newcomer children.*”⁴³ That said, we are disappointed that there are no firm commitments, actions or indicators to specifically address educational inequalities within the groups identified. It is difficult to assess how successful the Children’s Strategy will be in addressing the issues identified without any clear indication as to what actions and interventions, if any, will be put in place.

We also welcome the statement within the draft Strategy that “*it is also important to note that the care and education environment is not solely about academic attainment. It is about the development of children and young people’s skills, talents and abilities as well as the development of their linguistic abilities, cultural awareness and respect for diversity. It is important that our school and childcare environments support and nurture these.*”⁴⁴ We note that the Strategy indicates that further consideration is needed to consider how to measure development and achievements in areas beyond exam results. In Chapter 8 of the Strategy, a number of steps are outlined that will need to be taken forward to put the Strategy into operation. We note under the ‘Enjoyment of School’ sub-heading, that “*in addition to indicators on child development and attainment in education, we may also wish to consider how the non-academic or pastoral element of school is being delivered – assessing the child or young person’s experience in school and their emotional health and well-being. This is a more challenging area of development to measure and will require further consideration with stakeholders.*”⁴⁵

⁴³ CRC/C/GBR/CO/5 para 72

⁴⁴ Consultation document – page 58

⁴⁵ Consultation document – pages 100 & 101

CLC welcome this focus but would advocate that a firm commitment is placed within the Strategy to developing non-academic indicators (rather than “*wishing to consider*”), including a measurement for emotional health and well-being and a measurement of realising the individual child’s potential. This is crucial, particularly given that the 3 indicators proposed within this Outcome are linked to educational attainment.

Public Health England, for example, recently commissioned the Anna Freud National Centre for Children and Families to develop an online toolkit for schools and colleges for measuring and monitoring children and young people’s mental wellbeing.⁴⁶ The toolkit highlights a range of validated tools to measure and monitor student mental wellbeing alongside real life case studies. The measures were only included if they were suitable for use by children and young people; they were considered feasible to use in school settings; they were not unduly burdensome in terms of time taken to administer; and they included items measuring positive wellbeing (as opposed to only mental ill health or emotional/ behavioural difficulties). An index is also provided within the guide, which outlines which age groups each particular measure is suitable for. This may be a useful starting point in developing a non-academic indicator. Given that this additional indicator would measure mental well-being, the data extrapolated from the measure could also be utilised under the Outcome relating to children and young people being physically and mentally healthy.

Pupils entitled to free school meals

CLC welcome the recognition that contributory factors to educational underachievement include not just social disadvantage but also attendance rates; whether English is the child or young person’s first language; whether the child has a special educational need or a disability; if the child is looked after; the value placed on education by parents or the community in which the child or young person lives; peer groups; the home learning environment; and the performance of the school. We are disappointed however that the indicator proposed to measure educational achievement is based on Free School Meals Entitlement (FSME), thereby ignoring all other contributors to educational underachievement. CLC would recommend a subset of indicators which measures educational underachievement for all the factors identified within the Strategy. Research has shown that some children do not avail of the FSM entitlement due to the stigma attached.⁴⁷ We also note that application for and receipt of free school meals may be culturally unacceptable for some communities and that consequently children from those communities who may be particularly vulnerable may be invisible if this indicator is not expanded.

⁴⁶ <http://www.annafreud.org/media/4612/mwb-toolki-final-draft-4.pdf>

⁴⁷ <https://www.iser.essex.ac.uk/2012/09/23/poor-children-shun-free-school-meals-for-stigma-free-sandwich>

Children and young people with Special Educational Needs (SEN)

CLC welcome the recognition that particular focus is required in relation to children and young people with Special Educational Needs.

Whilst we note that the Department of Education is currently developing a revised SEN Framework, which will focus on inclusion, early identification, assessment and intervention for children with SEN, there are no specific actions, interventions or indicators/measures identified within the Strategy for children with Special Educational Needs. It is therefore difficult to assess how the Children's Strategy will make a difference to the lives of children with SEN.

Children with SEN currently make up 22.4% of the total school population. That is more than 1 in 5 children, being a total of 76,000 children⁴⁸. **It is alarming, given the proportion of our school population involved and the ongoing growth in numbers of children with SEN, that the proposed Indicators do not include any Indicator which would measure outcomes for this cross-cutting group of children with SEN, who are most likely to benefit from co-operation between government departments (in particular Health and Education).** The need to legislate specifically for this co-operation in relation to children with SEN has been recognised with the inclusion of a mandatory health/education co-operation duty in section 4 of the Special Needs and Disability Act (NI) 2016 (through amendment of the Education (NI) Order 1996).

The Indicators proposed in fact only cover children at 4 years of age and children at 16 years of age. This omits the entirety of the time that a child is in compulsory education. CLC believes it is necessary that the Department remedies this omission within the Strategy and designs an Indicator or indicators which measures Outcomes learning and achievement for school-aged children generally and an indicator which measures specifically for children with SEN.

CLC takes the view that both academic attainment and broader educational attainment should be measured for children with SEN and disabilities. For example social and emotional development is an area of concern that is frequently raised with CLC, along with issues around failures of inclusion and disablist bullying in schools. If Indicators were developed which cut across the Outcome areas, then one could measure how failures of inclusion impact upon achievements in school and even on school attendance rates. One could for example monitor attendance rates amongst children with Autism. Autistic children have difficulties with social communication which, if early intervention is not put in place, can lead to isolation and exclusion and the child becoming too afraid and anxious to go to school. Perhaps as an indicator of broader

⁴⁸ DE Statistical Bulletin 2/2017

educational engagement, school attendance rates of children with autism or SEN more generally could be compared with school attendance rates of children without SEN.

Even on the narrow measure of GCSE attainment with 5 GCSEs at A* - C, including English and Maths, DE statistics⁴⁹ show that Children with SEN are severely disadvantaged in comparison to children without SEN in terms of GCSE attainment. In 2014/15 on average 66% of young people attained 5 A* - C GCSEs including Maths and English. 43% of children on FSME attained at this level. 38.3% of children with SEN (at Stages 1-4) attained at this level. 18.9% of children with a statement (at Stage 5) attained this level.

Children with SEN clearly face a huge gap in attainment and are not reaching their potential. 61.7% of children with SEN at Stages 1-4 of the Code of Practice, who do not require a statement of SEN did NOT achieve 5 good GCSEs in 2014/15. CLC's view is that therefore the Indicator should set out gaps in GCSE attainments rather than the more crude measurement of FSME so that the significant inequalities in attainment for all relevant groupings can be clearly seen and proactively addressed.

In CLC's casework, we regularly see that children in mainstream with SEN, who have been assessed as being of average cognitive ability and above, are not achieving at the level of their peers in class either in standardised tests and measured levels of attainment in Maths and English throughout their schoolings. Therefore the Department may want to consider using additional measures other than GCSE attainment for younger children which could be used as standardised academic progress indicators.

The Department may also want to consider surveying children in all age groupings about their broader educational experience as they hold a wealth of information about what education is doing for them.

The Department already holds extensive information and views about barriers faced by children with SEN, via the SEN review and through ongoing work on the revised SEN framework. CLC suggests that the Department designs an Indicator which could measure the wellbeing of children who are supported within the SEN framework to see if the revisions to the framework and any co-operation between Health and Education are yielding improvement in the wellbeing of this large group of children. We suggest that children and their parents are asked to rate the educational experience and how well supported the child is in school.

⁴⁹ Qualifications and Destinations of School Leavers 2014/15, DE Statistics

Care experienced children and young people

CLC welcome the recognition that attention is required in relation to care experienced children and young people. We note the acknowledgement that it is important that care experienced children and young people are supported during their education and as they transition out of education and out of care to ensure they experience positive outcomes.

Again, however, there are no specific actions, interventions or indicators/ measures identified within the Strategy for care experienced children and young people within this Outcome. CLC would suggest the inclusion of an indicator, such as the following:

- % of children who had been looked after continuously for at least 12 months and were of school age, who missed a total of at least 25 days of schooling for any reason during the previous school year
- % of looked after children who felt supported during the education through transitional periods

Newcomer, Traveller and Roma children and young people

CLC agree that greater effort is required in respect of newcomer, Traveller and Roma children and young people. In research undertaken by CLC in preparation for the UN Committee on the Rights of the Child's examination of the UK government in relation to the implementation of the UNCRC, it was acknowledged that newcomer pupils face particular barriers to their achievement in schools. These include limited English language ability, lack of knowledge of the education system and social exclusion⁵⁰. The Department of Education's 2009 strategy 'Supporting Newcomer Pupils' focuses on supporting the language needs of children to enable them to access the curriculum⁵¹. This Strategy is now very out of date and does not address the current challenges facing newcomer children in trying to access education, which are significantly different from 2009.

Research⁵² has found that some schools face challenges relating to the limited formal educational experiences of some newcomer pupils. These pupils have been identified as being mainly from the Somali and Roma communities, whose numbers have risen significantly over the last five years. Limited experience of formal education affects literacy and numeracy, attainment in other academic subjects, understanding of school norms and gives rise to concerns around behaviour and attendance. The limited

⁵⁰ Racial Equality Policy – Priorities and Recommendations – Equality Commission for NI, August 2013, para 3.3

⁵¹ 'The integration of newcomer children with interrupted education into NI schools – A Belfast based case study' NI Strategic Migration Partnership, September 2014, page 11

⁵² 'The integration of newcomer children with interrupted education into NI schools – A Belfast based case study' NI Strategic Migration Partnership, September 2014

experience of formal education of these groups can manifest itself through children being inexperienced in holding a pencil or understanding how to write on a page. The current newcomer policy does not address these issues.

CLC would therefore recommend that the Children's Strategy contains a firm commitment to review the Supporting Newcomer Pupils policy to reflect the changing demographic of Newcomer children in NI.

Children and young people in custody

During 2015, on average each child within the JJC received 15 hours of education per child per week. In 2014, the average figure was 20 hours per child per week. The difference in hours delivered has been due to the reduction in the number of teaching and instructional staff available at the JJC.⁵³ We have not been able to obtain any more up-to-date statistics on hours of education received, despite a number of requests. CLC would recommend a performance level indicator, which sits under the headline indicators for this Outcome, which tracks the number of hours of education and the nature and quality of education (as opposed to training) each child in Woodland receives, in order to ensure that these young people received education provision to the same standards as any other young person.

In relation to this Outcome, CLC would also suggest including a measure relating to school absenteeism, as disengaged children and young people *"are at risk of a range of adverse academic and social outcomes. Most forms of disengagement, such as absence, disruptive behaviour, and poor school connectedness, are associated with lower achievement, which has significant implications for the school experience for students. Early school leaving is more often the end-point of a long process of disengagement over time.... Students who leave school early are at greater risk of unemployment, low income, social exclusion, risky health behaviours, and engaging in crime."*⁵⁴ It is understood that this data is already collected by the Department of Education.

Additional Comment

In 2014/15, 95.6% of grammar school leavers left with at least five GCSEs at grades A* - C or equivalent, including GCSE English and Mathematics. This figure was 45.3% for non-grammar school leavers.⁵⁵ CLC would recommend that the Indicator on educational inequality needs to be expanded to reflect inequalities between those pupils attending grammar schools and those attending non-grammar schools.

⁵³ Response to AQW 52010/11-16.

⁵⁴ Commissioner for Children and Young People Western Australia "Children and young people at risk of disengagement from school" June 2015 (updated October 2015) page 5

⁵⁵ 'Statistical Bulletin 5/2016 'Qualifications and Destinations of NI School Leavers 2014/15'

Furthermore, Youth@CLC felt that ‘Learning for Life and Work’ in schools needed to be reviewed. The members expressed a desire to learn about how to do a tax return, manage money, apply for a mortgage, what to look for when buying a car, how to engage in the democratic process, political education and citizenship. Youth@CLC highlighted their experience of “*just being told what to write*” for controlled assessments for Learning for Life and Work, rather than using the time constructively. In relation to sexual education received through Learning for Life and Work, youth@CLC felt that teachers were “*scare mongering*”⁵⁶, teaching from a pro-life, abstinence point of view, rather than providing young people with facts. Youth@CLC also highlighted inconsistencies in relation to students that are able to avail of Learning for Life and Work classes and those that are not due to the subjects young people choose for GCSE/ A Level.

Outcome: Living in safety and stability

This Outcome identifies 7 priority areas where the greatest effort is needed, namely:

- Youth homelessness: A young person cannot feel safe or live with any stability if they do not have a place they can call home.
- Looked After Children: Looked after children may have experienced living conditions which are unsafe and unstable – leading to them leaving their family home and living in care. Therefore, it is important that whilst in care they are given the safety and stability which they were previously denied.
- Internet safety: Children and young people, and their parents, should be supported to develop the skills and knowledge necessary to stay safe online and on how to respond when subject to online abuse.
- Children and young people under the threat of paramilitary intimidation: this was raised consistently during the co-design as an area of concern for young people – paramilitary intimidation can lead to feelings of instability and insecurity, causing the young person distress and leaving them isolated from family, friends and community.
- Children experiencing neglect or domestic violence: neglect or domestic violence can affect any child and/ or young person. The impact of such abuse on children and young people can be significant and long lasting.
- Children and young people in contact with the youth justice system: We must work to ensure that children and young people who come into contact with the youth justice system – including the children of prisoners – are not destined to have poorer life chances.
- Family breakdown: Children and young people have a right to preserve their family relations and a right to maintain direct contact with both parents on a regular basis, if that is in their best interests. We must ensure that those rights are respected and help parents to work through their difficulties in a way that does not cause additional stress and harm.

⁵⁶ Consultation with Youth@CLC 16/2/2017

The proposed headline indicators in relation to this Outcome are as follows:

- Youth homelessness – number of 16/17 year olds presenting as homeless.
- First time entrants into the criminal justice system.
- Victims of crime: number of young people who are victims of crime.
- Child contact order – number of repeat applications made.

Youth Homelessness

CLC note the recognition of the need for early intervention in relation to youth homelessness – focusing on prevention, rather than crisis management – when young people present as homeless. We also note that the Strategy acknowledges that when homelessness does occur there is a need for immediate support and that there is also a need for graduated transition for young people who have lived in supported accommodation. In this context we also note the very clear statutory duty to accommodate homeless 16 and 17 year olds and would advise that further thought is given in relation to whether having an Indicator which measures the fulfilment of a statutory duty is appropriate.

In relation to the need for immediate support when homelessness, it is widely recognised that certain types of accommodation are unsuitable for homeless 16 and 17 year olds and this must be reflected within the Children’s Strategy. In particular Bed and Breakfast or hostel accommodation is not suitable for homeless 16 and 17 year olds. Baroness Hale in the case of *R (M) v Hammersmith LBC*⁵⁷ raised concerns about the use of Bed and Breakfast accommodation and stated that it is not suitable for 16 and 17 year olds, even on an emergency basis. CLC would therefore strongly advocate for a firm commitment within the Children’s Strategy to provide suitable accommodation for this particularly vulnerable section of our society.

Furthermore, the UN Committee on the Rights of the Child recommended in July 2016 that the State Party:

*“Take necessary measures to reduce homelessness and to progressively guarantee all children stable access to adequate housing that 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.”*⁵⁸

CLC recommend that the UN Committee’s recommendation is taken into account to develop practical actions as part of the Children’s Strategy.

⁵⁷ [2008] UKHL 14

⁵⁸ CRC/C/GBR/CO/5 para 71

Looked After Children

CLC note the link to the Looked After Children: Improving Children's Lives Strategy within this Outcome. However, as the Looked After Children Strategy has not been published for consultation, we cannot comment on the improving outcomes for care experienced children and young people at this juncture.

CLC would recommend that the Children's Strategy is reviewed once the Looked After Children Strategy has been consulted upon and published in its final form.

That said, we would welcome a specific indicator for Looked After Children, for example:

- % of children looked after at 31 March with three or more placements during the year
- The number of children and young people who communicated their views specifically for each of their statutory reviews as % of the number of children and young people who had been looked after at 31 March for more than for weeks⁵⁹
- % of looked after children who have been able to access independent advocacy services.

Public Health England utilise an indicator which measures an average difficulties score for all looked after children aged 5 – 16 who have been in care for at least 12 months. This information is collected as it is recognised that *“mental health of all children is important. With half of adult mental health problems starting before the age of 15, early intervention to support children and young people with mental health and emotional well-being issues is very important. Without an indicator covering this group, there would be a risk of an even greater increase in rates of undiagnosed mental health problems, placement breakdown, alcohol and substance misuse, convictions and care leavers not in education, employment or training.”*⁶⁰

The data is collected by local authorities through a strengths and difficulties (SDQ) and a single summary figure for each child (the total difficulties score), ranging from 0 – 40, is submitted to the UK Department for Education through the looked after children return. CLC would recommend that in developing the Children's Strategy that the potential for using this indicator or similar, is explored.

⁵⁹ [http://democratic.bracknell-forest.gov.uk/Published/C00000146/M00000267/AI00000843/\\$AppxALACPILLCOSP280306.xlsA.ps.pdf](http://democratic.bracknell-forest.gov.uk/Published/C00000146/M00000267/AI00000843/$AppxALACPILLCOSP280306.xlsA.ps.pdf)

⁶⁰ <http://fingertips.phe.org.uk/cyphof#page/6/gid/8000025/pat/6/par/EI2000004/ati/I02/are/E06000015/iid/20801/age/246/sex/4>

Furthermore, both the Children's Strategy and the Looked After Children: Improving Children's Lives Strategy should take into account the recommendations made by UN Committee on the Rights of the Child in relation to children in alternative care⁶¹:

"Drawing the State party's attention to the Guidelines for the Alternative Care of Children (General Assembly resolution 64/142, annex), the Committee emphasizes that conditions directly and uniquely attributable to poverty should never be the sole justification for removing a child from parental care. The Committee recommends that the State party:

- (a) Intensify its efforts to render appropriate assistance to parents and legal guardians, including informal kinship carers, in the performance of their child-rearing responsibilities;*
- (b) Ensure that the removal of children from their families is always subject to thorough investigation, is in accordance with the best interests of the child and is only used as a measure of last resort;*
- (c) Wherever possible, find a placement for the child that will facilitate contact with his or her biological parents and siblings;*
- (d) Ensure that secure accommodation in Northern Ireland is only used as a measure of last resort and for the shortest possible period of time, address the reasons for repeated or lengthy stays in such accommodation and develop alternatives to secure accommodation;*
- (e) Take all measures necessary to provide stability for children in care, including efforts to retain social workers and to avoid unnecessary changes in placement;*
- (f) Inform and consult with children from an early stage on plans for their care and transition and provide sufficient support for care leavers, including for accommodation, employment or further education;*
- (g) Expedite the approval and enactment of the Adoption and Children Bill in Northern Ireland.*

Internet Safety

In research undertaken by CLC and Save the Children in preparation for the UN Committee on the Rights of the Child examination of the UK government's implementation of the UNCRC, NGOs highlighted the need for consistent, clear messages for children and parents around internet safety, which acknowledge the relationship between this issue and CSE⁶². The UN Committee in its Concluding Observations recommended developing and implementing comprehensive multi-sectoral strategies on child exploitation and abuse, including online, to ensure effective prevention, early detection and intervention, at the national and devolved levels, in

⁶¹ CRC/C/GBR/CO/5 para 53

⁶² NGO NI Alternative Report to the UN Committee on the Rights of the Child (May 2014)

overseas territories and Crown dependencies⁶³. The Committee also recommended training children, teachers and families on the safe use of information and communication technologies, raise awareness among children on the severe effects that online bullying can have on their peers and increase the involvement of social media outlets in the efforts to combat cyberbullying.⁶⁴ CLC would strongly recommend the Committee's recommendations are taken into account in the development of the Children's Strategy in relation to this issue.

CLC would also suggest the inclusion of an performance level indicators which measure, for example:

- the number of children, teachers and families that have received training or information on the safe use of communication technologies
- the number of children, teachers and families that have received training or information on the impact of cyberbullying
- the number of children who feel safe on the internet.

Children and young people under the threat of paramilitary intimidation

CLC note that this issue was raised consistently during the co-design as an area of concern for young people. It is further noted that *"more work is required to understand this issue and how it could be addressed"*.⁶⁵ We note that there are no proposed actions or data proposed in relation to this issue. CLC agree that this area is one where greatest effort is required, but given the lack of positive actions proposed to address this issue, it is difficult to comment on any impact the Children's Strategy will have on the lives of children and young people under the threat of paramilitary intimidation. Given a child's right to life and their right to live free from torture, inhuman and degrading treatment is engaged in respect of this priority area, as recent events have demonstrated; CLC believe there is imperative that there is a clear indicator and a robust cross departmental action plan in respect of this priority area.

The UN Committee on the Rights of the Child recommended in July 2016 that the State Party:

*"Take immediate and effective measures to protect children from violence by non-State actors involved in paramilitary-style attacks and from recruitment by such actors into violent activities, including through measures relating to transitional and criminal justice."*⁶⁶

⁶³ CRC/C/GBR/CO/5 paras 44 and 45

⁶⁴ CRC/C/GBR/CO/5 para 49 (b)

⁶⁵ Consultation document page 65

⁶⁶ CRC/C/GBR/CO/5 para 49 (c)

The recommendation made by Committee should be taken account to develop an action plan in relation to this issue.

Children experiencing neglect or domestic violence

CLC agree that children experiencing neglect or domestic violence should be a priority area for the Children's Strategy and note that one of the headline indicators for this outcome is the number of young people who are victims of crime. It is unclear from the consultation document the data source for this headline indicator, however, we would recommend taking into account the UN Committee on the Rights of the Child's recommendation to:

“Strengthen the systematic collection of data and recording of information on violence against children, including domestic violence, gender-based violence, abuse and neglect, in all settings, and the sharing of information and referral of cases among relevant sectors.”⁶⁷

It will also be important to take cognisance of other related recommendations, including:

*“Increase the number of social workers and strengthen their capacity to address violence against children;
Give due weight to the views of children concerned in the responses to violence, including in criminal and family law proceedings;
Consider ratifying the Convention on preventing and combating violence against women and domestic violence.”⁶⁸*

In relation to this priority area, it may be useful to consider an indicator which measures child hospital admissions for unintentional and deliberate injuries. It is understood that similar data is already collected in England⁶⁹ and utilised as an indicator in the NHS Outcomes Frameworks for Children.

Children and young people in contact with the youth justice system

We note the reference to the Scoping Study currently being undertaken by the Department of Justice *“which will be an end-to-end examination of how the youth justice system operates for the children in it... Proposals are currently being brought forward which are aimed at keeping children out of the system altogether by providing early intervention and support, developing community alternatives, maximising exit points and diversionary disposals and increased use of restorative disposals.”*

⁶⁷ CRC/C/GBR/CO/5 para 43

⁶⁸ CRC/C/GBR/CO/5 para 43

⁶⁹ <http://fingertips.phe.org.uk/cyphof>

Detail in relation to the proposals that are currently being brought forward is required before we could comment substantially on this aspect of the Children's Strategy. We note that neither the voluntary and community sector or children and young people were consulted in respect of the Scoping Study. CLC would also seek clarification in relation to why the Children's Strategy is not taking as its base line the Youth Justice Review recommendations, given the Review's constitutional status as a component of the Peace Agreements. This clarification would be particularly welcome given the Scoping Study falls short of the full implementation of the Youth Justice Review.

CLC is extremely supportive on the focus on early intervention and prevention. Central to the success of early intervention is the involvement of other government department's which play an important role in the lives of children and young people before they enter the criminal justice system which are absolutely vital in aiming to address the reasons why young people come into contact with the criminal justice system. It is therefore welcome to see this acknowledged within the Children's Strategy, particularly since the Strategy is underpinned by the Children's Services Co-operation Act (Northern Ireland) 2015. CLC would recommend that the Strategy makes an explicit commitment to the statutory duty to co-operate within this context.

CLC would seek further detail in relation to proposal for early interventions and would seek reassurance that in the context of early intervention and in compliance with the Youth Justice Review and the UNCRC, **diversion is away from as opposed to within the criminal justice system.**

We note in the footnotes of the consultation document that there is an explanation of restorative disposals⁷⁰ which states that:

"The Youth Justice Agency provide a Restorative approach to Youth crime by a process called a youth conference which can either be diversionary (not dealt with in court and therefore not a conviction) or court ordered." This is not diversion away from the youth justice system rather it is diverting a young person from one part of the youth justice system to another. Whilst the young person attending a youth conference may not receive a conviction, due to changes in criminal records, accepting a diversion may still show up on a young person's record. This is in stark contrast to what it is sought to achieve through early intervention i.e. to move children away from the criminal justice system. We would therefore seek reassurance that there is no pre-condition for children and young people to "admit guilt" to a crime, prior to being eligible for any early intervention/ diversionary measures and that legal advice is and will always be offered prior to any young person accepting diversion.

CLC note that the headline indicator proposed relates to first time entrants into the criminal justice system. It is important that this data is disaggregated including under

⁷⁰ Consultation document – page 67

all section 75 groups to ensure that there is no disproportionate representation of any groups of children entering the criminal justice system. An additional indicator measuring the proportion of children who are Looked After Children in the criminal justice system who also be welcome, as we are particularly concerned at the over-representation of looked after children within the justice system. An Assembly Question (AQW 5657/16-21) answered on 27th October 2016 outlined that out of the 22 young people held in Woodlands Juvenile Justice Centre on 21st October 2016, 8 of those were looked after children. This represents 36.4% of the Woodlands population. Given that there are currently 433,161 children living in Northern Ireland and 2,890⁷¹ of those young people were children in care of the HSC Trusts (a looked after child), meaning that 0.66% of the population of children in NI are looked after, this is a clear failure of our children and young people in the care system which must be addressed urgently.

The Children's Law Centre would strongly recommend that there should be additional child specific measures put in place which capture how many young people are diverted **away from** the justice system in the first instance i.e. not entering the criminal justice system at all. Ultimately, it should be the goal of the Children's Strategy that children and young people do not enter the youth justice system in the first place.

The development of the Children's Strategy also provides an opportunity for the NI Executive to bring forward the recommendations made by the UN Committee on the Rights of the Child in relation to youth justice as follows:

With reference to its general comment No. 10 (2007) on children's rights in juvenile justice, the Committee recommends the State party to bring its juvenile justice system, including in all devolved administrations, the overseas territories and the Crown dependencies, fully into line with the Convention and other relevant standards. In particular, the Committee recommends that the State party:

- (a) Raise the minimum age of criminal responsibility in accordance with acceptable international standards;*
- (b) Ensure that children in conflict with the law are always dealt with within the juvenile justice system up to the age of 18 years, and that diversion measures do not appear in children's criminal records;*
- (c) Abolish the mandatory imposition of life imprisonment for children for offences committed while they are under the age of 18;*
- (d) Establish the statutory principle that detention should be used as a measure of last resort and for the shortest possible period of time and ensure that detention is not used discriminatorily against certain groups of children;*
- (e) Ensure that child detainees are separated from adults in all detention settings;*
- (f) Immediately remove all children from solitary confinement, prohibit the use of solitary confinement in all circumstances and regularly inspect the use of segregation and isolation in child detention facilities.⁷²*

⁷¹ <https://www.health-ni.gov.uk/sites/default/files/publications/health/child-social-care-15-16.pdf>

⁷² CRC/C/GBR/CO/5 para 79

We also note the mention of children of prisoners within this Outcome. CLC would recommend taking cognisance of the UN Committee on the Rights of the Child Concluding Observations, which state that:

The Committee is concerned that, due to insufficient cooperation between the courts and the child protection authorities, a parent may be sentenced to imprisonment and directly incarcerated while his or her children are left alone without proper care.

The Committee recommends that the State party:

- (a) Ensure that child protection authorities are always informed when a person who has a child or children is imprisoned, in order to avoid situations where children are left unattended;*
- (b) Take into account the best interests of the child as a primary consideration when sentencing parents, avoiding, as far as possible, sentences for parents that lead to their being separated from their children.⁷³*

Family breakdown

CLC welcome the reference to Article 8 (1) and 9(3) of the UNCRC in relation to the right to preserve their family relations and a right to maintain direct contact with both parents on a regular basis, if that is in their best interests. We are however challenged as to how the proposed indicator will turn the curve for this group of children; given that children are not applicants in such proceedings, the proposed indicator will not measure actual contact or its quality and that regrettably such applications can often relate to disputes between parents which in practice may not be reflective of the reality of the child's experience of parental contact.

Additional Comment

Within this Outcome, we note that in the co-design process, children and young people commented on the emerging issue of child sexual exploitation or trafficking. The Strategy also makes reference that addressing child sexual exploitation (CSE) remains a priority for the NI Executive.

The issue of child sexual exploitation does not appear to have translated from the section where issues are identified, through to 'where is the greatest effort needed' section or the proposed indicators.

The UN Committee on the Rights of the Child in their examination of the UK government in July 2016 expressed concern in relation to:

⁷³ CRC/C/GBR/CO/5 para 54 & 55

- (a) *Recent allegations of widespread child sexual exploitation and abuse by high profile figures, by organized gangs and in institutional settings;*
- (b) *The increasing risk of online child sexual exploitation and abuse;*
- (c) *The insufficient respect for the views of children in efforts to prevent, detect and respond to such exploitation and abuse;*
- (d) *The low rate of prosecution of child sexual exploitation and abuse.*

Subsequently, the Committee recommended that the State party, including devolved governments:

- (a) *Systematically collect and publish comprehensive and disaggregated data on child exploitation and abuse, including through mandatory reporting, in all settings;*
- (b) *Develop and implement comprehensive multisectoral strategies on child exploitation and abuse, including online, to ensure effective prevention, early detection and intervention, at the national and devolved levels, in overseas territories and Crown dependencies;*
- (c) *Implement the recommendations of the Marshall Inquiry into child sexual exploitation in Northern Ireland;*
- (d) *Further develop comprehensive services to support children who are victims or at risk of sexual exploitation and abuse;*
- (e) *Strengthen the capacity of law enforcement authorities and the judiciary to detect and prosecute child sexual exploitation and abuse, and grant effective remedies to the child victims;*
- (f) *Consider ratifying the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse.⁷⁴*

CLC would recommend that Child Sexual Exploitation is included as a priority area where the greatest effort is needed and that the UN Committee on the Rights of the Child recommendations above form the basis of an action plan to address this issue. CLC would also recommend adding the need to collect and publish comprehensive and disaggregated data on child exploitation and abuse to the Data Development Agenda section of this Strategy.

In relation to indicators for this outcome that ‘Children and Young People live in safety and stability’, it may be useful to take cognisance of the National Policy Framework for Children and Young People 2014 – 2020⁷⁵ (Ireland) who measure:

- Bullying in school
- Those involved in a physical fight in the last 12 months
- Those that reported being drunk in the last 30 days.

⁷⁴ CRC/C/GBR/CO/5 paras 44 and 45

⁷⁵ http://www.dcy.gov.ie/documents/cypp_framework/BetterOutcomesBetterFutureReport.pdf

Outcome: Economic and environmental well-being

This Outcome identifies 3 priority areas where the greatest effort is needed, namely:

- Families experiencing poverty: By helping families living in poverty, children and young people can experience a range of better outcomes
- Children and young people in need of education, employment and training: Children and young people should have opportunities to develop appropriate skills so they can become economically active, find a gainful employment and avoid poverty
- Rural young people: Children and young people living in rural areas often face additional challenges in the area of economic well-being. There may be fewer employment opportunities and they have to travel further to access education, training or employment

The proposed headline indicators for this Outcome are as follows:

- Child poverty: percentage of children living in absolute poverty before housing costs
- Number of young people not in education, employment or training: number of 16 – 24 year olds not in education, employment or training.

Families experiencing poverty

CLC welcome a focus on child poverty within the Children’s Strategy, particularly given the fact that child poverty is not mentioned within the overarching Programme for Government document.

The UN Committee on the Rights of the Child has expressed serious concern that *“the rate of child poverty remains high, disproportionately affects children with disabilities, children living in a family or household with a person or persons with a disability, households with many children and children belonging to ethnic minority groups, and affects children in Wales and Northern Ireland the most”*⁷⁶ and recommended that the Government *“set up clear accountability mechanisms for the eradication of child poverty, including by re-establishing concrete targets with a set time frame and measurable indicators, and continue regular monitoring and reporting on child poverty reduction in all parts of the State party”*.⁷⁷

CLC would recommend that the Children’s Strategy makes a clear commitment in relation to the establishment of clear accountability mechanisms for the eradication of child poverty. Furthermore, the headline indicator currently proposed i.e. the

⁷⁶ CRC/C/GBR/CO/5 para 70 (a)

⁷⁷ CRC/C/GBR/CO/5 para 71 (a)

percentage of children living in absolute poverty before housing costs, should be disaggregated on all section 75 grounds to effectively monitor the progress for all groups of young people within this Outcome. We would also strongly recommend an additional indicator relating to the percentage of children living in relative poverty before housing costs, as both are included within the NI Executive's Child Poverty Strategy.⁷⁸

Furthermore, the Children's Strategy neglects to mention the potential adverse impact Welfare Reform will have on families in Northern Ireland. CLC would recommend in line with the UNCRC recommendations that *"a comprehensive assessment of the cumulative impact of the full range of social security and tax credit reforms introduced between 2010 and 2016 on children [is conducted], including children with disabilities and children belonging to ethnic minority groups⁷⁹... [and] where necessary, revise the mentioned reforms in order to fully respect the right of the child to have his or her best interests taken as a primary consideration, taking into account the different impacts of the reform on different groups of children, particularly those in vulnerable situations"*.⁸⁰ CLC would therefore recommend an additional indicator which tracks the impact of economic deprivation on child wellbeing. The Children's Society has carried out similar research which could be used by the NI Executive as a framework on which to build upon.⁸¹

Children and young people in need of education, employment and training

We note that the headline indicator for this priority area relates to the number of young people not in education, employment or training (age 16 – 24).

CLC would remind the Department of their duty under section 75 Northern Ireland Act 1998 and the requirement that this data is disaggregated by Section 75 groupings to ensure that by virtue of equality of opportunity economic opportunities are increased for those most in need.

Further, we note that as a result of economic recession and often out of economic necessity many under 16s are economically active to support the family income. In that context, government should determine a measurement in regards to the employment rate for under 16s and also a measurement to determine the quality and nature of that employment to guard against economic exploitation of under 16s in economically deprived communities.

⁷⁸ <https://www.executiveoffice-ni.gov.uk/sites/default/files/publications/ofmdfm/child-poverty-strategy.pdf>

⁷⁹ CRC/C/GBR/CO/5 para 71 (c)

⁸⁰ CRC/C/GBR/CO/5 para 71 (d)

⁸¹ https://www.childrengsociety.org.uk/sites/default/files/tcs/research_docs/12pp%20Well-being%20Report.pdf

Youth@CLC expressed frustration in relation to young people not receiving the same level of pay as over 18s for the same work. They also highlighted the lack of job opportunities for young people as an important issue.

Another issue of concern to CLC is that we are aware of children who are in education or registered as school pupils (but may not be in full time attendance), who are not achieving accreditation that will enable them to find employment. We would like to see an additional Performance Level Indicator that tracks interventions before a young person becomes “NEET”.

We have already raised the issue above of children that we are aware of who are informally/unlawfully excluded from school or placed on restricted school hours (from nursery age upwards). This group of children may face multiple barriers to being enabled to experience economic wellbeing. We reiterate that the Department, in order to improve the wellbeing of this group of children and young people, should identify a mechanism to count these children (such as requiring Boards of Governors to report on informal exclusion) and should take steps to eliminate unlawful/informal exclusion. We are aware that there may be a significant number of such children receiving support from the EA behaviour support teams and autism intervention teams and that these teams, in addition to schools, would hold some very relevant information about children with SEN and disabilities who have limited access to school.

Rural young people

CLC note the identification of rural young people as a priority within the Strategy, however there are no specific actions or measurements proposed. CLC would seek further detail in relation to this before a substantive comment could be made.

Additional comment

The UN Committee on the Rights of the Child recommended in their Concluding Observations and Recommendations expressed concern at the high level of air pollution, which directly affects child health in the State party and contributes to the negative impact of climate change affecting various rights of the child, both in the State party and in other countries.

The Committee therefore recommended that the State party, including devolved administrations in relation to devolved matters:

- (a) Set out a clear legal commitment, with appropriate technical, human and financial resources, to scale up and expedite the implementation of plans to reduce air pollution levels, especially near schools and residential areas;*
- (b) Place children’s rights at the centre of national and international climate change adaptation and mitigation strategies, including through its new domestic climate*

*strategy, and in the framework of its international climate change programmes and financial support.*⁸²

CLC would therefore recommend the inclusion of indicators which measure positive actions that will be undertaken in relation to environmental wellbeing within the Children's Strategy and a sub-indicator put in place which tracks the level of air pollution around schools and residential areas.

Outcome: A positive contribution to society

This Outcome identifies 2 priority areas where the greatest effort is needed, namely:

- Youth work (youth organisations and groups): Youth work seeks to enable every young person to achieve their full potential, and to particularly support young people who may have experienced challenges in their early life. It is essential that the Strategy can be flexible and accommodate vulnerable young people in the 18 – 25 age bracket (aligning with Priorities for Youth)
- "Seldom heard voices" of young people: Participation should be for all children and young people and mechanisms should be put in place to facilitate and actively seek out the voice of young people who are seldom heard.

It is proposed that this Outcome is measured in 2 ways:

- Participation: frequency of participation in voluntary and community work
- Self-efficacy: measure the confidence and capability of young people through self-efficacy

CLC are challenged as to how at a time when government is significantly cutting funding to voluntary, community and youth organisations the frequency of children participating in such work can be used to measure the "turning of the curve" in respect of this Outcome. If these groups don't exist or have reduced programmes this will be reflected in children's frequency of participation in voluntary and community work and therefore the figures will speak to the reduced programmes as opposed to whether or not children are or want to contribute to society.

CLC believe that it is wholly inappropriate to measure 'participation' by the frequency of participation in voluntary and community work, we are also unsure how measuring the confidence and capability of young people through self-efficacy will accurately reflect either of the two priority areas outlined above.

We welcome that the Executive will actively seek the views of children and young people and provide opportunities for them to engage, participate and contribute to

⁸² CRC/C/GBR/CO/5 paras 68 & 69

society. We note that '*children's authorities and other children's service providers should facilitate the engagement of children and young people*'.⁸³ In compliance with Article 12 of the UNCRC, the wording of this sentence should read 'must' rather than 'should'. In relation to '*parents and guardians should listen to the views of their children and encourage them to find opportunities to volunteer or participate in wider society*', we would recommend that the wording here is amended to read that parents and guardians should be *supported* to encourage them to find opportunities.

Youth@CLC felt that measuring participation in voluntary and community work did not reflect whether children and young people make a positive contribution to society. Some members highlighted that a lot of young people are under pressure to complete all their school work and that is a positive contribution to society in itself.

Members of youth@CLC also highlighted the fact that young people are specifically excluded from availing of some volunteering opportunities, such as assisting in Foodbanks or Homeless charities.

Youth@CLC also felt that the measurement of self-efficacy was not appropriate, "*just because someone isn't confident or doesn't believe in themselves, it doesn't make them a bad person, it doesn't mean they are not contributing positively to society.*"⁸⁴

In their recent examination of the UK government, the UN Committee on the Rights of the Child expressed concern that:

- (a) *Children's views are not systematically heard in policymaking on issues that affect them;*
- (b) *The reforms concerning the reduction of legal aid in all four jurisdictions appear to have a negative impact on the right of children to be heard in judicial and administrative proceedings affecting them;*
- (c) *Youth parliaments have not been established or operationalized in Northern Ireland, Wales, Montserrat, Turks and Caicos or Jersey;*
- (d) *Many children feel that they are not listened to by their social workers, reviewing officers, paid carers, judges, personnel working with children in conflict with the law or other professionals in matters affecting them, including in family proceedings.*

Thereby recommending that the State party:

- (a) *Establish structures for the active and meaningful participation of children and give due weight to their views in designing laws, policies, programmes and services at the local and national levels, including in relation to discrimination, violence, sexual exploitation and abuse, harmful practices, alternative care,*

⁸³ Consultation document page 79

⁸⁴ Consultation with Youth@CLC 16/2/2017

sexual and reproductive education, leisure and play. Particular attention should be paid to involving young children and children in vulnerable situations, such as children with disabilities;

- (b) Assess the impact and expedite the review of the reforms on legal aid in England, Wales and Scotland and conduct child rights impact assessment of the proposed reforms in Northern Ireland and Jersey, in order to ensure that such reforms do not negatively affect children's access to justice, and guarantee effective participation of children in such assessment and review;*
- (c) Expedite the establishment of youth parliaments in all devolved administrations and territories as permanent forums for children's effective engagement with national legislative processes on issues that affect them;*
- (d) Ensure that children are not only heard but also listened to and their views given due weight by all professionals working with children.⁸⁵*

The Committee also noted the increasing demands from children for a right to vote from the age of 16 years and encouraged the State party to conduct consultations with children on the voting age. Youth@CLC felt very strongly that the voting age should be lowered to 16, as a matter of priority.

CLC would therefore recommend that the Strategy concentrates its efforts on the voice of the child in decisions that affect their lives, rather than whether children and young people participate in voluntary/ community work or 'feel confident'.

The Children's Strategy should identify the need to develop data which effectively measures the genuine participation of children. Save the Children, for example, has developed a toolkit for monitoring and evaluation children's participation⁸⁶. Similarly, the Council of Europe has developed a Child Participation Assessment Tool.⁸⁷ CLC recommend that these resources are used as a starting point for this work and to develop a meaningful indicator.

CLC would also welcome firm commitments contained within the Children's Strategy to address the other recommendations made by the Committee in relation to respect for the views of the child, including the establishment of a Youth Parliament and an undertaking to consult with young people on the lowering of the voting age, all of which would contribute significantly to turning the curve in respect of children's positive contribution to society.

⁸⁵ CRC/C/GBR/CO/5 paras 30 and 31

⁸⁶ <http://www.savethechildren.org.uk/resources/online-library/toolkit-monitoring-and-evaluating-childrens-participation>

⁸⁷ <http://www.coe.int/en/web/children/child-participation-assessment-tool>

Outcome: Living in a society which respects their rights

This Outcome identifies 6 priority areas where the greatest effort is needed, namely:

- Children acting as carers: children acting as carers are at risk of missing out on their childhood
- Children and young people who suffer from racism: children and young people can find themselves subject to direct or indirect discrimination or racism. It is important that these children and young people are aware of their rights and what support they are entitled to – they require extra protection to prevent negative experiences resulting in negative outcomes
- Children and young people who are Lesbian, Gay, or Bisexual (LGB): Lesbian, gay or bisexual young people feel that their rights and awareness of their issues are largely ignored in their education, communities and wider society
- Children and young people who identify as Transgender: services need to be flexible in dealing with children and young people who identify as transgender and ensure they do not face discrimination, of any sort, based on their identity.
- Children and young people who speak a different language: where possible, services should be provided in a range of languages to cater for all children and young people
- Children and young people who seek to practice their faith: children and young people who seek to live out their faith in daily life are at risk of not having their fundamental rights respected. This also applies to those children and young people who have no faith and who class themselves as atheist or humanist.

In relation to the 6 groups identified above, CLC would agree that all should be priority groups. CLC would recommend that the priority groups above are expanded to reflect all section 75 groupings and therefore including (for example) children and young people with a disability.

However, without any specific actions/ indicators for these priority groups, it is impossible to judge how effective the Children's Strategy will be in turning the curve for these vulnerable groups of young people.

It is proposed that this Outcome will be measured through:

- Understanding of the UNCRC: percentage of young people who have heard of the UNCRC and percentage of adult who have heard of the UNCRC
- Respect for views: percentage of young people who feel they have a chance to give their views about the issues that affect them
- Negative stereotyping: percentage of young people who feel the media represents young people fairly

It is unclear from the consultation document how this data is currently being collected and further detail on the headline indicators would be welcome before CLC could offer a substantive comment. Recognising that there is no detail regarding the headline indicators, it would seem to CLC that these indicators will not determine if the curve is being turned in respect of this population outcome. A society which respects children's rights guarantees the vindication of those rights. An understanding of the UNCRC, a feeling that there has been a chance to give views about issues (we note that the indicator does not say "have these views taken into account") and a feeling regarding media representation of young people will give no indication whatsoever if children's rights are being vindicated or if the Executive are respecting and promoting the rights of all children and young people. The proposed indicators reflect a knowledge base and feelings they speak nothing to the reality of children's lives. CLC would therefore suggest the development of a set of Indicators which measure:

- % of children and young people who understand their rights
- % of children and young people who believe their rights are respected
- % of children and young people who feel their rights are being denied

The above proposed measures should be developed in a manner which provides for the data to be disaggregated easily to ensure that all children and young people in NI are able to realise their rights.

Notwithstanding the need for additional indicators which will measure the extent children's rights are realised i.e. vindicated we would make the following comments re the current proposed headline indicators. In relation to the 'respect for views' indicator, we would recommend that this is linked to the participation indicator referred to in the previous Outcome (a positive contribution to society) and should be expanded to include whether young people's views have been taken into account.

We note that the question relating to adult awareness of the UNCRC will be added to the NI Omnibus Survey and that as part of the data development agenda, "*we may also consider how we collect data from children and young people from marginalised groups who feel that they have experienced a breach of their rights and how this was manifested.*"⁸⁸ CLC would ask that the language here is strengthened to provide a firm commitment to collecting this data and should be extended beyond children from marginalised groups to all children.

We welcome the commitment made that "*the Executive will respect and promote the rights of all children and young people, children's authorities and other children's service providers should be well-versed in child rights – ensuring their actions and services both protect and enhance the rights of the child.... [and] children and young people should be aware of their rights and be able to identify situations where their*

⁸⁸ Consultation document – page 102

rights have been infringed – having the confidence to challenge those who ignore their rights".⁸⁹ We note however there is nothing that will measure if this is happening and how it is improving children's lives. Further we note that this commitment can only happen with the mandatory introduction of children's rights training for all decision makers and children. The UN Committee on the Rights of the Child, commented: "*Make children's rights education mandatory*".⁹⁰ We would therefore welcome a commitment within the Children's Strategy to introduce children's rights education to all schools and other centres of education in NI within the lifetime of this Strategy. We would also recommend the inclusion of mandatory children's rights training for all adults who are empowered to make decisions in respect of children's lives.

Outcome: Living in a society in which equality of opportunity and good relations are promoted

This Outcome identifies 2 priority areas where the greatest effort is needed, namely:

- Children and young people most likely to face inequality: Section 75 of the NI Act 1998 lists groups of people that require equality of opportunity. These groups include children and young people. Children and young people with different religious beliefs, political opinions, racial groups, sexual orientation, gender, disability etc. should all be treated fairly and equally. In addition, children and young people should not feel they are treated unfairly due to their age and negative perceptions of young people should be tackled.
- Children and young people living in interface areas: children and young people who experience the legacy of the conflict more keenly and who live in communities with more entrenched attitudes, need greater support to realise the outcome of improved attitudes.

The headline indicators proposed for this Outcome are:

- Attitudes towards others: percentage who are favourable towards Catholics, Protestants and Minority Ethnic Groups
- Engagement between young people of different community backgrounds: percentage of young people who regularly socialise or play sport with people from a different religious community
- Shared spaces: percentage of young people who think that leisure centres, parks, libraries and shopping centres in their area are 'shared and open' to both Protestants and Catholics.

We note that these indicators appear to relate to the promotion of good relations. There are no indicators relating to equality of opportunity. Further the

⁸⁹ Consultation document – page 85

⁹⁰ CRC/C/GBR/CO/5 para 73 (g)

focus of this section is almost entirely on good relations with little or no focus on the systemic issue of equality of opportunity. There also appears to be a conflation of discrimination and equality of opportunity. Recognising the more onerous statutory duty vis-à-vis equality of opportunity and its greater potential to effect positive change in children’s lives specific indicators relating to equality of opportunity must be included in the strategy. Given that there is already a statutory duty in respect of equality of opportunity it should be reasonably easy to identify and monitor appropriate indicators, as these should already be used to monitor respective Departmental Equality Schemes. By way of example, one possible indicator related to equality of opportunity might be the number of new arrivals, Roma and traveller young people who attend third level education.

CLC note the statement within this Outcome that *“to eradicate discrimination from society, we must promote and facilitate through legislation, as well as in practice, an awareness and understanding of the contribution of others.”*⁹¹ If the Executive are to truly respect and promote the rights of all children and young people, they must work together to bring forward age discrimination GFS legislation that includes under 16s. CLC would therefore welcome a firm commitment to bringing forward Age (Goods Facilities and Services) legislation that protects **all** children equally within the scope of the legislation within this Strategy.

To reflect this, we would also recommend an additional indicator is developed which captures ‘reduced instances of discrimination and unfair treatment across all section 75 groups’.

Based on its extensive work across all aspects of children’s lives CLC are strongly of the view that full and proper discharge of the section 75 equality duty by all duty bearers in respect of policy and legislative development would significantly improve equality of opportunity for all children and young people. Consequently CLC would recommend an indicator which reflects “percentage of policy and legislative developments which properly discharge the section 75 equality duty as it relates to children and young people.”

In relation to the indicator relating to shared spaces, CLC would be of the opinion that this measurement is too narrow. Youth@CLC shared this view. We would be of the opinion that had a full EQIA been carried out as it should have been in respect of the Children’s Strategy it would have been clearly identified that this Indicator has the potential for adverse impact. We would strongly recommend widening the measure to include all of the Section 75 categories. Shared space must be ‘shared and open’ to all children and young people including (for example) newcomer families, those from

⁹¹ Consultation document – page 86

the LGBT+ community, children and young people of other faiths and races and children with a disability.

Groups of children are often dispersed when congregating in public spaces, often by police. In a survey of 752 children and young people conducted by the Children's Law Centre's youth group, youth@clc, 61% of children experienced being asked to "move on", with 13% experiencing it all the time. Perceptions of children engaging in 'anti-social behaviour' when using public spaces are common, with 'teenagers hanging around on the streets', identified as a problem by adults. Considerable police time is spent responding to complaints about children congregating in public spaces even when they are doing nothing wrong. Furthermore, members of youth@CLC expressed feelings of fear and "*not feeling accepted*" when in certain areas, needing to hide their school uniform badge and asking friends not to use their name, so as to not to indicate which community they are from. This is strong evidence that shared spaces are not 'shared and open' to children and young people. A disaggregated indicator should be put in place to measure the percentage of children and young people who think leisure centres, parks, libraries and shopping centres in their areas are 'shared and open' to them.

We would also recommend the inclusion of additional disaggregated child specific measures and commitments aligned to ensuring an increase in sharing more generally – i.e. in education, in work, in housing and in society in generally.

Youth@CLC also commented that whilst they may be an outcome for children and young people to live in a society in which equality of opportunity and good relations are promoted, this is not reflected in the rhetoric of some local politicians and that a better example should be set.⁹²

Brexit

Given that the Children's Strategy will be in operation until 2027, it will be important to ensure that it is future proofed, particularly to take into account the challenges Brexit presents for children and their families. The University of Liverpool's European Children's Rights Unit have produced a number of briefings outlining the potential impact that Brexit will have on children and young people⁹³. It will be important to consider these issues within the context of the Children's Strategy to ensure it will be fit for purpose for the duration of the Strategy.

⁹² Consultation with Youth@CLC 16/2/2017

⁹³ <https://www.liverpool.ac.uk/law/research/european-childrens-rights-unit/brexit/>

Conclusion

The Children's Law Centre is grateful to have the opportunity to comment on the draft Children's Strategy. We hope that our comments have been constructive and useful to the Department of Education and we are more than happy to meet with officials to discuss anything in this response. We wish to be kept fully informed of progress in the development of the draft Children's Strategy and look forward to the issues raised and recommendations made in this response taken forward.

We also look forward to receiving your response to the questions we have asked in the response and receiving the additional information requested.