

Will the draft Northern Ireland Programme for Government deliver on children's rights and best interests?

An Analysis

Northern Ireland Commissioner for Children and Young People
15 February 2012



1. Introduction

The Northern Ireland Commissioner for Children and Young People (NICCY) welcomes the publication of the Northern Ireland Executive's draft Programme for Government, draft Investment Strategy and Economic Strategy. This paper will analyse the commitments in the draft Programme for Government to assess whether these are likely to deliver effectively for children and young people, and if they have appropriately taken into account children's rights and best interests.

The Office of the Commissioner for Children and Young People (NICCY) was created in accordance with The Commissioner for Children and Young People (Northern Ireland) Order 2003 to safeguard and promote the rights and best interests of children and young people in Northern Ireland.

Under articles 7(2) and (3) of this legislation, NICCY has a mandate to keep under review the adequacy and effectiveness of law, practice and services relating to the rights and best interests of children and young people by relevant authorities. Following a strategic review of the delivery of this statutory duty, the Commissioner decided to focus on the four key Northern Ireland Departments which have the most significant responsibilities for delivering on children's rights and best interests, i.e. the Office of the First and Deputy First Minister, the Department of Education, the Department of Health, Social Services and Public Safety, and the Department of Justice. Therefore, while this paper will provide general comments on the draft Programme for Government, it will also focus on the commitments relevant to each of the four priority departments.

The 'Make it Right' campaign

In 2008, the Commissioner completed a wide-ranging review of the state of children's rights in Northern Ireland which was published as 'Children's Rights: Rhetoric or Reality'. This report was used as a basis for NICCY's 'Make it Right' campaign which was launched on the 20th anniversary of the UN Convention on the Rights of the Child. The purpose of the campaign was to distil some of the key findings of the review of children's rights into monthly themed policy briefings for decision-makers and influencers, and campaign briefings for children and young people distributed throughout 2010. In total, twelve areas of children's rights were identified as requiring priority by the Executive, and three calls were outlined for each.



Around 2,500 children and young people took action in support of the campaign, calling on the Executive ministers to 'Make it Right' for children in Northern Ireland. In December 2010, each minister in the Executive received a sack of campaign messages from children and young people relating to issues for which they held responsibility. Ministers gave a commitment to review these messages and to take them into account when reviewing the work of their Departments.

Following the Assembly election in May 2011, the Commissioner met with each new Executive minister to highlight key areas of concern relating to children's rights and best interests, falling within the remit of their Department. Central to this were the 'Make it Right' calls, which were communicated again to the respective Ministers. It was explained that these were critical areas for children and the Commissioner strongly advised Ministers to reflect them as commitments in the Programme for Government. This paper provides an analysis of how these critical children's rights issues have been addressed in the draft Programme for Government.

Delivery for children in Northern Ireland 2007-11

NICCY notes the review in the draft Programme for Government of developments over the previous Assembly term. Of 18 achievements, only one focussed directly on children: a school improvement policy which resulted in an increase in the percentage of school leavers attaining at least 5 GCSEs at A*-C.

In January 2011, NICCY commissioned researchers from the Queens University Belfast to review government delivery for children over the previous Assembly term, with a particular focus on the development and implementation of policies and strategies.¹ While there was some evidence of good practice, the Report findings identified a number of failings in the way the Executive was delivering on children's rights in Northern Ireland. This included:

1. An inconsistent commitment to children's rights

The degree of consistency with which the issue of children's rights was addressed in strategies, and then put into practice, varied between government departments and between strategies. Concerns were expressed at a perceived de-prioritisation of children's rights within the Executive.

¹ Byrne, B. and Lundy, L., (2011), Barriers to Effective Government Delivery for Children in Northern Ireland, (NICCY, Belfast).
(NICCY PFG Analysis – 15 Feb 2012)



2. Delays in development and implementation

There were significant time delays between the recognition of a need for a strategy and its final approval – of up to five years. There were also delays in the production of Action Plans, and in some cases, these were not subject to consultation processes. A number of Action Plans were published in the middle of the timescale that they were intended to cover, or included actions that were due to have been completed prior to the publication of the Action Plan.

3. Translating strategic visions into specific and measurable outcomes

Concerns were expressed that too much time was spent in developing strategies, but not enough in implementing them. Some were seen as too aspirational, lacking the 'teeth' to enable effective delivery for children. Interviewees from all categories raised the 'cut and paste' nature of strategy documents and Action Plans, where departments attempt to make existing work 'fit' with new strategies.

4. Lack of coordination and joined up government

The issue of co-ordination and 'joined up working' across government departments emerged as a crucial theme throughout the study. While there was some evidence of good practice at intra-agency level, and positive developments in the establishment of the Children and Young People's Strategic Partnership, this was not always replicated at central government level. This was viewed by many as the main barrier to effective government delivery for children.

5. Insufficient resourcing

Current funding structures do not encourage or facilitate opportunities for pooled funding for cross-cutting children's issues. Thus, individual departments are responsible for determining expenditure on particular aspects of children's issues in accordance with departmental priorities, resulting in elements of strategies being resourced by some departments and not others. The Report identified the need for a coherent plan to deal with children's issues and a collective vehicle to support funding for the joint commissioning of children's services.

The lack of visibility of spending on children in government budgets makes it impossible to determine the extent to which Government is fulfilling its obligations under the UNCRC.

(NICCY PFG Analysis – 15 Feb 2012)



6. Lack of data, analysis and research

There have been consistent calls from NICCY and other children's sector organisations for comprehensive, reliable and sufficiently disaggregated data to enable the identification of discrimination or disparities in the realisation of rights for children in Northern Ireland.

7. Limited Engagement with children

Serious concerns have been raised by NICCY and NGOs about the extent to which children have been meaningfully engaged in the consultation processes of targeted strategies, policies and action plans. It has been difficult to determine the extent to which children have been engaged in these processes, due to a lack of transparent and available information from government departments outlining how children have been engaged and how their views were given due weight in the final strategy, policy or Action Plan.

8. Child rights impact assessment

There is currently no formal or specific system in place to ensure that the impact of policies, strategies and Action Plans on children and their rights is systematically assessed and addressed. While Section 75 of the Northern Ireland Act (1998) requires public authorities to promote equality of opportunity across nine different categories, including age, this is not the same as the requirement to assess the impact of a policy or strategy against the provisions of the UNCRC specifically.

Recommendation 1: The Executive should consider the findings of the 'Barriers to effective government delivery for children in Northern Ireland' Report when planning its work for children over the next three years. This should include ensuring the Programme for Government demonstrates a strong commitment to delivering on children's rights and best interests.



2. General Comments on the draft Programme for Government

In general, the Programme for Government is a well produced document, articulating important principles of equality and sustainability whilst also recognising the inequalities that exist in Northern Ireland. It is positive that the document outlines the importance of ensuring that the Programme for Government makes a real difference to people's lives. Indeed, while this paper reflects on the commitments outlined in the document, the true test of the Programme for Government will be in how it is delivered, and the Commissioner will continue to advise and challenge the Executive to deliver effectively on its commitments to children over the lifetime of this Assembly.

The aim 'to build a shared and better future for all' is very welcome as it recognises the need to improve the lives of everyone in Northern Ireland. This must include addressing the deep inequalities affecting particular groups of children in Northern Ireland, including children living in poverty, care experienced children, Traveller children, children living in areas particularly affected by the conflict, minority ethnic children, children in contact with the justice system, children with disabilities and asylum seeking children.

The realisation of this aim must be considered in light of the key priority of the Executive being the current economic situation. Supporting economic recovery is absolutely essential, and the Executive is right to link this to tackling disadvantage. There is a common perception that 'a rising tide floats all boats', that economic prosperity 'trickles down' to all within society. However, as was demonstrated during the period of economic growth experienced in the UK during the decade leading up to the current recession, this was not the case in reality. Over this period, economic inequality was found to have increased significantly, and the benefits of economic growth to have been experienced disproportionately by those who were already among the better off within society. Moreover, it would seem that the worst excesses of the recession are having a disproportionate impact on those who were already on low incomes, and the introduction of proposed Welfare Reforms are likely to hit these families even harder.

The Programme for Government priorities

The five inter-related priorities articulated are all to be welcomed:

1. Growing a sustainable economy and investing in the future

(NICCY PFG Analysis – 15 Feb 2012)



2. Creating opportunities, tackling disadvantage and improving health and well being
3. Protecting our people, the environment and creating safer communities
4. Building a strong and shared community
5. Delivering high quality and efficient public services

It is also positive that the draft document states that 'All departments of Government must work together to produce policies, plans and strategies – the 'building blocks' – that are consistent with the priorities we have identified. In addition, Government as a whole, must act collaboratively with partners in the private, community and voluntary sectors to assure, and positively maximise, the impacts of our work.'

As has been outlined above, a more 'joined up' approach to planning and delivery is essential, if the Executive is to deliver effectively for the people of Northern Ireland, and particularly for children and young people. While it is helpful that this is stated in the draft Programme for Government, there is very little evidence of how this will be achieved. Of the 76 commitments listed under the five priorities, only two have more than one department listed as responsible for their delivery.

Recommendation 2: NICCY recommends that the Programme for Government includes specific mechanisms for ensuring joined up working between Departments and their delivery bodies. The Executive should consider practical measures such as putting in place joint budgeting processes and a statutory duty to cooperate in planning, commissioning and delivering children's services.

Reviewing the previous Programme for Government, it may be argued that it included too many commitments – over 300. In advising Ministers on the production of the Programme for Government, the Commissioner suggested that they focus on a smaller number of key commitments. NICCY is encouraged that this has been reflected in the draft document, with the identification of 76 commitments. However, alongside these are listed around 130 'building blocks': the policies, plans and strategies that must also be delivered along with the priorities identified. Some of these are reflected in the later commitments, for example the childcare strategy and child poverty strategy in Priority 2.

Moreover, there is a degree of incoherence in the commitments listed. Some are very high level, while others are very specific. Many important areas are included as building blocks, but then are not carried through into the



commitments, while others feature in neither. For example, the Bamford Review and the 10 year Strategy for Children and Young People are included as building blocks but are not carried through into commitments.

This has resulted in significant gaps in commitments for children. These are outlined later in this document.

There is no evidence of a clear legislative programme. It is only through further scrutiny that it is possible to identify eight pieces of legislation within the document. These are:

- Legislation to establish the Education and Skills Authority (ESA) (2012-13)
- Age discrimination legislation to the provision of goods, facilities and services (2013-14)
- Legislation to give effect to Access to Justice reforms (2013-14)
- Legislation to include older and vulnerable people in sentencing guidelines (2013-14)
- Devolution of Corporation Tax (2013-14)
- Levy on single use carrier bags (2012-13)
- Establishing a new 11 council model for Local Government (2012-13)
- Legislation to implement changes to post-2015 structures of Government (2013-14)

The introduction of critical pieces of legislation that are planned, for example, the Welfare Reform Bill and the Mental Health and Capacity Bill have not been included in the draft Programme for Government.

Recommendation 3: The Programme for Government should include a comprehensive legislative programme.

Priority 1: Growing a sustainable economy and investing in the future

This priority largely focuses on investment, jobs, regeneration and providing support to internationally significant events, as well as including better educational attainment for disadvantaged young people. The milestones/outputs are mostly quantified and quite specific, although there is some variability.



Arguably, it would have been appropriate in this priority to include commitments to early intervention and prevention for children and young people, thus contributing to the priority 'investing in the future'. As it is not identified in this priority, it is essential that early intervention and prevention is strongly reflected elsewhere in the Programme for Government.

Recommendation 4: The Programme for Government should include commitments to early intervention and prevention for children and young people, linking funding and joint working across departments.

Priority 2: Creating opportunities, tackling disadvantage and improving health and well being.

This priority is particularly relevant to children and young people, with most of the 38 building blocks and 20 key commitments relating to this group. The commitments particularly relevant to children and young people include:

- The Childcare Strategy
- Social Protection Fund and Social Investment Fund
- Child Poverty Strategy
- Age discrimination legislation regarding goods, facilities and services
- The Literacy and Numeracy strategy
- Preschool provision
- An advisory group on Welfare Reform

Very few of the milestones/outputs are quantified, other than in relation to budget spend. Many are very unspecific, for example 'Social and affordable housing programme delivered' or 'apply policy' for each of the three years. Some reflect development while remaining vague, for example, in relation to literacy and numeracy, it is stated that in Year 1, proposals will be developed, and in Years 2 and 3, the programme will be implemented and monitored. There is more detail in relation to the process of implementing other commitments, for example the child poverty strategy. However, given the statutory duty on the Executive to meet targets to reduce child poverty, specific, measurable targets should be articulated for this commitment.

Recommendation 5: The Executive should review the milestones/outputs contained within the Programme for Government to make them more specific and measurable where possible.



Priority 3: Protecting our people, the environment and creating safer communities

The building blocks and key commitments for this priority mainly relate to environmental issues, reducing serious crime, community safety and transport. There is a clear gap in relation to safeguarding children, and more specifically, for example, the Inquiry into Historical Institutional Abuse, both of which should be clear priorities for the Executive.

Priority 4: Building a strong and shared community

This priority focuses on reducing 'peace walls', shared education, the Cohesion, Sharing and Integration strategy, modernising the prison service, hosting major events and developing sports stadiums.

Priority 5: Delivering high quality and efficient public services

This priority has the smallest number of commitments and building blocks, which include social clauses in procurement, a new local council model, the ESA, post-2015 changes to Government structures, reducing civil service absence rates and reconfiguring health and social care services. There is no recognition of the need to improve delivery for children within this priority, through better coordination of Government delivery and ensuring more timely inclusive policy making and implementation.

Recommendation 6: Priority 5 should include a commitment to deliver effective, timely and coordinated policies and implementation plans for children, resulting in measurable outcomes.

Programme arrangements and delivery framework

As the document states, the emphasis of the Programme for Government must be on 'delivering results that everyone can see in their daily lives'. While the information included in Annex 1 is useful in providing an outline of structures for delivery and monitoring, this is very top line indeed. The document states that: 'The Executive will agree on the approach to delivery and the mechanisms to support this, and detailed guidance will be produced'. It would have been preferable for this information to be provided in the draft Programme for Government and for it to have been included in the consultation process. Since this has not happened, it is important that it is included in the final version.

Recommendation 7: Robust and transparent arrangements should be put in place to plan, deliver and monitor the Programme for Government and to track the outcomes of the work.



3. Delivery for children within the draft Programme for Government

The Commissioner is disappointed at the lack of a clear and coherent vision for children within the Programme for Government. While the 10 Year Strategy for Children and Young People is listed as a 'building block', there is no commitment to deliver it. In the previous Programme for Government, the Executive articulated priorities for children that were cross-departmental. Unfortunately this has not been replicated in this draft Programme for Government. This raises significant concerns regarding the level of commitment to children across the Executive

3.1 Assessment against NICCY's 'Make it Right' priorities.

The Programme for Government has been assessed against the 12 key areas addressed in NICCY's 'Make it Right' campaign and, as can be seen in the following table, the findings are not positive. Of the twelve key areas identified, there are significant commitments only in relation to one: Child Poverty.

1. Child poverty	Good: commitments in relation to all three calls	
	✓	Raise incomes of families in poverty
	✓	Better provision of accessible, affordable, quality childcare
	✓	Tackle disadvantages experienced by 16&17 yr old NEETs
2. Supporting families	Poor: No commitments on three calls	
	✗	Additional support for young carers
	✗	Increased access to family mediation
	✗	Increased provision of positive parenting initiatives
3. Community Safety	One relevant commitment: to finalise CSI strategy	
	✗	Positive focus on children and young people
	✗	ASBOs not used against children
	✓	Increased efforts to overcome community divisions



4. Having a say	Poor: no references to the participation of C&YP	
	x	Departments and public bodies develop participatory structures
	x	National Advocacy Strategy developed and implemented
	x	Child accessible complaints and appeals processes
5. Newcomer Children	Poor: no references to newcomer children	
	x	Work of UKBA should safeguard the welfare of children
	x	Improve newcomer children's school experiences
	x	Accurate data published on newcomer children in NI
6. Play and Leisure	Poor: No references in relation to play and leisure for children	
	x	Access for children to play and leisure opportunities
	x	Councils play their role in providing play opportunities
	x	Children should be involved in planning play and leisure
7. Children with disabilities	Poor: No references to children with disabilities	
	x	A national strategy for the inclusion of disabled children
	x	Inclusive education on equal basis to other children
	x	Appropriate services for young disabled as reach adulthood
8. Children and Care	Poor: No references to care experienced children	
	x	Greater continuity of care must be ensured
	x	Improved support as children in care become adults
	x	Participation of children central to care planning



9. Education	Education commitments, but not in relation to NICCY's calls	
	x	Funding for education prioritised
	x	Equitable and child centred post primary transfer system
	x	Promotion of participative structures in schools
10. Children's mental health	Poor: No references to children's mental health	
	x	Implementation of Bamford Review re CAMHS
	x	Investigate factors affecting mental health of C&YP
	x	Overcome stigma and discrimination re mental illness
11. Youth Justice	There are no detailed references to youth justice however there is a commitment to implement 90% of the Youth Justice Review recommendations, some of which partially address the MIR calls	
	x	Child centred approach to Youth Justice
	✓/ x	Improved approaches to prevention and diversion
	✓/ x	Focus on meeting needs of young people in custody
12. Protecting Children	Poor: No references to protecting children	
	x	Establish strong Safeguarding Board
	x	Ensure learning from cases of abuse and child deaths
	x	Prioritise funding for services to protect and support C&YP



The Commissioner recognises that many of the specific calls may not be sufficiently high level to be included as commitments in the Programme for Government, and that one is not relevant to the Executive. However, it is extremely disappointing that there is little recognition of these critical issues for children in the Programme for Government, with no commitments to the following:

- Family Support
- The participation of children and young people
- Newcomer children
- Play and Leisure
- Children with disabilities
- Children in care
- Children's mental health
- Protecting children

Recommendation 8: The Executive should include commitments in the Programme for Government relating to each of the twelve 'Make it Right' areas which the Commissioner identified as most critical for children and young people.

3.2 Assessment by four key Departments

A key feature of the Commissioner's 2011-14 Corporate Plan is to strategically focus her advice to government on the four Departments with the most significant responsibilities for delivering on children's rights and best interests, these being:

- The Office of the First Minister and Deputy First Minister
- The Department of Education
- The Department of Health, Social Services and Public Safety
- The Department of Justice

3.2.1 The Office of the First Minister and deputy First Minister

OFMDFM has responsibility for the largest number of commitments within the Programme for Government (14 of the 76 commitments identified). Those relevant to children largely relate to tackling poverty and disadvantage, and fall within Priority 2:

- Reduce child poverty - fulfilling the Executive's commitments under the Child Poverty Act

(NICCY PFG Analysis – 15 Feb 2012)



- Integrated and affordable childcare strategy - will be implemented
- Social Investment Fund - Investing £80 million to address dereliction and promote investment in the physical regeneration of deprived areas, to improve pathways to employment, tackle systemic issues linked to deprivation and increase community services
- Social Protection Fund – Helping individuals and families facing hardship due to the current economic downturn
- Range of measures to tackle poverty and social exclusion - will be delivered
- Advisory group to assist Ministers in alleviating hardship - including any resulting from Welfare Reforms.

There are two additional commitments relating to children:

- Finalise the Cohesion, Sharing and Integration Strategy to build a united community and improve community relations
- Extend age discrimination legislation to the provision of goods, facilities and services.

The Commissioner welcomes the range of commitments included by OFMDFM in the Programme for Government, particularly the suite of commitments relating to tackling social disadvantage. In comparison with some of the commitments included elsewhere, these appear to be well developed, and the milestones and outputs for each provide a reasonable level of detail as well as indications of how they relate to each other. It is notable, however, that few of the milestones/outputs are quantified in terms of the outcomes planned for children. One example is the commitment in relation to reducing child poverty. Given that the Child Poverty Act requires the Executive to demonstrate reductions in the levels of child poverty over time, it seems reasonable that specific targets should be included in the Programme for Government.

Gaps in commitments

There are a number of significant gaps in the commitments contained in the Programme for Government relating to OFMDFM:

1. The 10 Year Strategy for Children and Young People

This Strategy is supposed to be driving the delivery for children and young people across government, linking up delivery against six high level outcomes.



While it has been mentioned as a building block, the Commissioner was surprised that it was not included as a commitment, given its strategic importance. NICCY would recommend that the Strategy is included as a commitment and that this is linked to implementation of the UNCRC and the reporting to the UNCRC committee currently scheduled for 2014

2. The participation of children and young people

All Northern Ireland Departments, with the exception of DFP, have signed up to NICCY's Participation Policy Statement of Intent. This is a strong commitment to ensure the participation of children and young people in decisions affecting their lives. The inclusion of a commitment within the Programme for Government in relation to the participation of children and young people would provide an indication of a systematic approach to taking forward the commitments within the Participation Policy Statement of Intent.

3. Play and Leisure

Play is a fundamental requirement for children, and is central to their physical, cognitive and social development. There has been a lengthy process, led by OFMDFM, of developing first a Play and Leisure Policy and then a Play and Leisure Action Plan. This is now at the point that it should be implemented, and it is extremely disappointing to note that it has not been included in the Programme for Government as a commitment. The Commissioner recommends that this is rectified in the final version of the Programme for Government.

4. Negative stereotyping of children and young people

The negative stereotyping of children and young people is one of the commitments made by the Northern Ireland Executive in co-operation with the other devolved governments and the UK government, in response to the 2008 UNCRC Concluding Observations. Indeed it is a critical issue, requiring determined action. NICCY commissioned questions in relation to this on the 2010 Young Life and Times Survey, and found that almost 9 in 10 (87%) had personally experienced negative discrimination because of their age.² It is essential that the Executive takes action in relation to this stark form of discrimination as a matter of urgency.

² NICCY, (2011), Young people's thoughts about and experiences of age-related negative stereotyping: an analysis of questions from the Young Life and Times Survey 2010
(NICCY PFG Analysis – 15 Feb 2012)



Recommendation 9: OFMDFM should include commitments in relation to delivering the 10 Year Strategy for Children and Young People, the participation of children and young people, implementing the Play and Leisure Action Plan and addressing negative stereotyping of children and young people.

3.2.2 The Department of Education

There are seven commitments within the draft Programme for Government that are the primary responsibility of the Department of Education (DE).

1. Commitment to establish ESA (under priority 5):

NICCY welcomes this commitment. Its fulfilment of this will largely depend on the Executive working together to achieve agreement.

2. Three commitments relating to Shared Education (under priority 4):

- Significantly progress work on the plan for the Lisanelly Shared Education Campus as a key regeneration project
- Establish a Ministerial Advisory Group to explore and bring forward recommendations to the Minister of Education to advance shared education
- Ensure all children have the opportunity to participate in shared education programmes by 2015 and substantially increase the number of schools sharing facilities by 2015

NICCY welcomes the focus on shared education, but believes that the outworking of the commitments must clearly align with the measures that the Education Minister is taking forward to address issues around the sustainability of the schools estate. In particular, any proposals which arise as a result of the 'viability audit' and the area planning exercise will be highly significant to the commitments on shared education. It is notable that, despite the major significance of the work which has been commissioned by the Department of Education to consider measures to address sustainability of the schools' estate, the relevance of this work is absent from the Programme for Government, and does not appear to have been taken into account in the drafting of the education commitments.

While NICCY welcomes the three commitments in relation to Shared Education, it is questionable whether the emphasis is disproportionate, given that there are a number of hugely significant educational challenges which have not been

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included as commitments. Arguably the commitment to establish a Ministerial Advisory Group to provide recommendations to the Minister, since it only has one output in Year 1, could be included in the first commitment around Shared Education. Moreover, the commitment to take forward the Lisanelly Shared Education campus is more operational than strategic and could be rearticulated as an output of the first commitment.

Recommendation 10: The concept of 'Shared Education' within the Programme for Government should be inclusive of issues relating to the sustainability of the schools estate. Moreover, the Department of Education should consider rearticulating its three commitments on shared education in the form of one, higher level strategic commitment.

3. Commitment to increase the proportion of young people from disadvantaged backgrounds achieving at least 5 GCSEs at A* - C (Priority 1)

This is an existing DE commitment as part of current targets for 2020, and relates to Free School Meal Entitlement. The targets are encouraging although challenging, particularly in the context of financial constraints.

4. Commitment to improve literacy and numeracy levels among all school leavers with additional resources targeted at areas of educational underachievement (Priority 2)

This commitment has the potential to deliver on one of the 2008 UNCRC Concluding Observations calling on 'considerable additional resources' to be invested 'to ensure the right of all children to a truly inclusive education which ensures the full enjoyment to children from all disadvantaged, marginalized and school-distant groups'. One of NICCY's 'Make it Right' calls proposed a focus on newcomer children, recommending that 'Education policy and practice must continue to address barriers to newcomer children's school education'. Other categories of children this commitment should address include care experienced children, young people within the criminal justice system and Traveller children.

5. Commitment to ensure that at least one year of pre-school education is available to every family that wants it (Priority 2)

The Commissioner is supportive of this aim, although it is not clear the degree to which the 'commitment' poses a challenge for DE to demonstrate delivery. The draft Early Years Strategy states that the Pre-School Education Expansion (NICCY PFG Analysis – 15 Feb 2012)



Programme “has successfully achieved its aim of providing a pre-school place for every child whose parents wish it” (page 36). In practice, NICCY is aware that there are issues regarding the availability of places. The current draft milestones do not measure, for example, the extent to which demand for places is fulfilled on an area- and age-appropriate basis.

NICCY suggests that this commitment is rephrased to indicate that the places are available to each child, where their family want it, as there may be more than one child in a family requiring a preschool place in any given year.

It is notable that, apart from the reference to pre-school education place, the Early Years Strategy is not referenced in the Programme for Government.

Gaps in the Department of Education’s commitments

1. Sustainability of the schools’ estate and financial viability

It is difficult to understand the absence of any commitments in relation to the sustainability of the schools’ estate. While the seven education commitments identified in the draft Programme for Government are linked in reality to the sustainability and financial viability agendas, the issue itself is not actually addressed. The Sustainable Schools Policy is referred to as a Building Block for Priority 5, but is not included as a commitment. Prioritising funding for education was one of three education calls in NICCY’s 'Make it Right' campaign.

2. Post-primary transfer

The issue of ensuring an equitable and child-centred system of post-primary transfer, another of the education calls from NICCY’s 'Make it Right' campaign remains unresolved, and is completely absent from the Programme for Government. While the Commissioner is aware of the difficulty the Executive has had in reaching agreement on this important issue, its exclusion from the Programme for Government suggests that the Executive does not view the issue as a priority.

3. Special Educational Needs

When queried about the absence of the SEN and Inclusion Policy from the Programme for Government at the Departmental Briefing to the Education Committee in December 2011, Departmental officials indicated that this was due to the fact that the Programme for Government commitments are high level,

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and do not include all of the Education Minister's priorities. The absence of SEN is difficult to understand given the huge significance of the SEN and Inclusion policy, which has, until recent weeks, remained outstanding since the consultation closed two years ago.

4. Participative structures in schools

The Commissioner has engaged with the Department over several years to advise on the development of a policy promoting participative structures in schools, including schools councils, and indeed this was the third 'Make it Right' education call. It is disappointing that, despite commitments to progress this, the Department has not made reference to the need to support children's participation in schools in the draft Programme for Government.

Recommendation 11: The Department for Education should review its commitments in the Programme for Government to ensure that it has included critical areas such as the sustainability and viability agenda, post primary transfer, the early years strategy, Special Educational Needs and participative structures in schools.

3.2.3 The Department of Health, Social Services and Public Safety

There are five commitments for DHSSPS included in the draft Programme for Government, as follows:

- Reform and modernise the delivery of health and social care , including a Year 1 milestone of setting a new policy direction for improving health and mental wellbeing and reducing health inequalities and a Year 2 milestone of rolling out the Family Nurse Partnership Programme to one further site;
- Allocate an increasing percentage of the overall health budget to public health;
- Reconfigure the network of health and social care services to improve patient outcomes and access to new treatments, including a Year 2 milestone in the shift of services to primary and community care to reduce the number of days patients staying in acute hospitals unnecessarily; Enrol people who have a long term (chronic) condition, and who want to be enrolled, in a specialist chronic condition management programme;
- Invest £7.8million in programmes to tackle obesity.



While these commitments will apply to services developed to meet the needs of children and young people as well as adults, the Commissioner is concerned at the lack of specific commitments in relation to critical services for children that fall within the remit of DHSSPS. Given the key role of the Department in both ensuring the population as a whole is healthy, safe and well and also in protecting and supporting some of the most vulnerable children in our society, it is disappointing this is not fully reflected in the draft document. In considering the breadth of the Department's remit and acknowledging that it accounts for such a substantial proportion of the Executive budget, it is reasonable to expect more detail on what DHSSPS will deliver within the Programme for Government.

Gaps in DHSSPS commitments

1. Funding for children's services.

Since publishing an analysis of public expenditure on children in 2007, the Commissioner has repeatedly expressed concern at the disparity in funding for children's services in Northern Ireland compared to the rest of the UK. This concern has increased since the economy went into recession and, while health budgets were protected by the Executive, there has been no commitment to protect funding for social care and personal social services for children and families, to ensure children are visible in budgets or to conduct child rights impact assessments on budget decisions.

2. Safeguarding children

It is disappointing that the draft Programme for Government contains no commitments to the establishment of the Safeguarding Board for Northern Ireland or for associated Regulations and guidance being developed. The Commissioner is particularly concerned that the Board is established and commences operation of all its functions, including those in regard to Case Management Reviews and the overview of information relating to child deaths. NICCY also notes that there is no reference to the Historical Institutional Child Abuse Inquiry.

3. Children and care

There is no commitment to fully implementing Care Matters or NICCY's 'Make it Right' calls: to ensure greater continuity of care; to provide children with improved support as they transition to adulthood; and to make sure their participation is central to care planning.

(NICCY PFG Analysis – 15 Feb 2012)



4. Children with disabilities

There are no references to this vulnerable group within the Programme for Government. One of the 'Make it Right' calls states that the Executive must provide age appropriate services for all young people with disabilities as they transition to adult services, a critical issue that must be addressed urgently in the current term of the Assembly.

5. Child and Adolescent Mental Health

Although the Bamford Review is listed as a building block within Priority 2, it is a matter for concern that the draft Programme for Government does not contain any commitments in relation to Child and Adolescent Mental Health. Given the extremely worrying suicide figures for young people in Northern Ireland and ongoing concerns regarding the mental health of key vulnerable groups, it is vital that there should be commitments to: fully implementing the Bamford Review; resourcing community provision; ensuring the availability of specialist services (including additional services and provision for young people within justice and secure care settings); and introducing the Mental Health and Capacity Bill.

6. Royal Belfast Hospital for Sick Children

Despite the recognition that the facilities provided at the Royal Belfast Hospital for Sick Children require urgent modernisation, there is no commitment within the Programme for Government to invest in improved facilities and services.

7. Early intervention and prevention

While this theme is reflected within a milestone/ output of extending the Family Nurse Partnership programme (within the commitment to reconfiguring health and social care services), it is disappointing that a more robust commitment to early intervention and prevention to protect children's safety, development and wellbeing across the Executive has not been included in the draft Programme for Government.

Recommendation 12: The Department of Health, Social Services and Public Safety should review its commitments in the Programme for Government to ensure that it has included critical areas such as protecting funding for children's services, investing in early intervention and prevention, addressing provision at the Royal Belfast Hospital for Sick Children and improving outcomes for vulnerable groups, such as those in need of safeguarding,



children with disabilities, those in contact with the care system, children with mental health difficulties and separated children.

3.2.4 Department of Justice

There are five commitments within the Programme for Government in relation to Justice and Community Safety. These are as follows:

- Tackle crime against older and vulnerable people by more effective and appropriate sentences and other measures;
- Reform and modernise the Prison Service;
- Reduce the level of serious crime;
- Improve community safety by tackling anti-social behaviour;
- Improve access to justice.

It is disappointing that more attention is not given to youth justice and to the provisions, support and services which should be made available to young people who come into contact with the youth justice system. References to youth justice are limited and there is no sense of a joined-up, collaborative approach to issues being advocated. NICCY believes it is important to adopt a holistic approach when considering children and young people within the youth justice system. Indeed, NICCY's policy briefing on Youth Justice, produced as part of the 'Make it Right' campaign, called for 'a child-centred approach to be placed at the heart of the Youth Justice system'. The needs of these children have been shown to be many, varied and complex, and if they are to be addressed effectively, commitments will be required from various government departments.

Included under the commitment to 'Reduce the level of serious crime' is a milestone for 2013/14; 'to implement 90% of the agreed Youth Justice Review recommendations'. NICCY is concerned that the only reference to Youth Justice in the Programme for Government is included under a commitment to 'reduce the level of serious crime'. It is important to clarify that the majority of young people coming into contact with the youth justice system have not committed a serious crime and the Review of Youth Justice is concerned with a myriad of issues. These include the need to reform processes, strategies and structures associated with youth justice, to address particular challenges facing young people within the system and to review the quality of support and services available to them.



While it is encouraging that Government is committed to implementing 90% of the Youth Justice Review recommendations, NICCY is eager to see all of the recommendations implemented. The Commissioner would be concerned if, in advance of receipt of responses to the recent Youth Justice Review consultation, the Department of Justice has already earmarked issues where it will not seek change or improvement. While NICCY identified a range of issues in its consultation response where it would expect to see improvements, it is particularly keen that Section 53 of the Justice (NI) Act 2002 is amended to reflect the best interests principle (Art 3 of the UNCRC) and that this Article is also incorporated into the Public Prosecution Service Code of Practice.

There is a commitment to improve community safety by **tackling anti-social behaviour**. In working towards reducing the number of incidents of anti-social behaviour, NICCY would reiterate its call that ASBOs are not used against children. The UN Committee on the Rights of the Child notes that these 'blur the line' between civil and criminal law and may 'contribute to children's entry into contact with the criminal justice system'. Furthermore, it is important that the Department of Justice recognises that children and young people can be vulnerable to violence and intimidation in communities and that negative stereotyping of young people can damage relations between them, the police and wider community.

Gaps in commitments:

1. Education provision for young people within the criminal justice system

The key commitment to improve literacy and numeracy levels should indicate that special consideration will be given to all vulnerable groups of children and young people. Access to appropriate, well resourced educational opportunities for young people within the Youth Justice System can be limited, and particularly for those at Hydebank Wood. NICCY believes it is important that all children and young people should have equal opportunities to access education, whatever their circumstances.

2. Recognition of the need for a collaborative approach to improving the Youth Justice System

As indicated above, the varied and complex needs of children and young people who come into contact with the youth justice system, will only be effectively addressed through committed, collaborative working across a range of government departments, including DE, DEL, DHSSPS and DoJ.



Recommendation 13: The Department of Justice, and other relevant Government Departments should review their commitments in the Programme for Government to provide a more child-centred focus on children and young people who are in contact with the youth justice system. Departments should recognise the vulnerability of these children and young people and seek to ensure the adequate and effective provision of services, particularly in relation to education, mental health and accommodation.



4. The Equality Impact Assessment of the Programme for Government

The Commissioner welcomes the publication of the Equality Impact Assessment (EQIA) of the Programme for Government, albeit quite a bit later than the draft Programme for Government was released for consultation. EQIAs are valuable tools in enabling government to assess the differential impact of policies or legislation on people within society, and it is vital that an EQIA was done on the Programme for Government.

The Commissioner's comments will focus on the assessment of the differential impact on children under the 'age' category in the EQIA. It mentions that Departments have indicated potential differential impacts on age, listing three specific examples from DCAL, and indicating that Departments have indicated how they would mitigate these in table 4. Table 4 then provides information from each Department as to positive actions they are taking in relation to children and young people. These do not, however, appear to link to the 'differential impacts' mentioned previously.

For the EQIA to be at all meaningful, it needs to provide a more thorough exploration of the differential impacts for each category. It would appear that the three examples given of differential impacts in relation to DCAL were drawn from the information accompanying the draft 2011-15 Budget. In her advice to the Executive on the draft Budget the Commissioner noted her concern at the general lack of detail with which each Department had reported on the likely impact of the budget decisions on Section 75 groups, in particular children. In the contexts of severe cuts to the Northern Ireland budget, according to the draft Budget, there was likely to be little differential impact on any group.

Rather than drawing on that – flawed – EQIA process, an assessment should have been done on the proposals contained in the Programme for Government. The Commissioner notes that the Budget and the Programme for Government are two quite different documents, and that the assessment of differential impact for one does not translate to the other. Even if the EQIA had assessed more faithfully the differential impact of the commitments contained in the Programme for Government, this would have still remained only a partial picture, given critical issues that have been excluded.

One important example of this is the forthcoming Welfare Reform Bill. The EQIA conducted by DSD on their proposals stated that 'It is expected that the majority of households affected by this policy will have children', and there is



growing evidence of the significant, negative impact this will have on children, in a range of ways. However, since it has not been included in the draft Programme for Government, any resulting EQIA would not be able to take the considerable and wide ranging impacts of the Welfare Reform Bill into account.

This paper has noted a number of critical areas for children that have not been included as commitments in the Programme for Government, including safeguarding children, Special Educational Needs, mental health, early intervention and prevention. Their exclusion from the Programme for Government arguably will result in a differential impact for groups of vulnerable and disadvantaged children and young people, and should be addressed in the EQIA.

NICCY notes the data provided on unemployment and income levels, but fails to note the fact that children are more likely to be experiencing poverty than the population in general, and that particular groups of children are at higher risk of poverty than others.

Table 4 provides interesting details of work ongoing or planned with particularly disadvantaged or vulnerable groups of children and young people. However, the selection of these projects appear quite random and do not, as mentioned above, link to the differential impacts identified. Nor, in general, do they feature in the Programme for Government or appear to link to the commitments contained in it.

Recommendation 14: Once the Programme for Government has been finalised, the EQIA should be reworked, providing a more focussed assessment of the differential impact on each of the section 75 groups, including children, taking all relevant factors into account.



5. Conclusions and recommendations

The Commissioner welcomes the publication of the draft Programme for Government and the opportunity to provide an analysis of its commitments to children and young people. This paper has not adopted the structure proposed for consultation responses as this did not permit a proper exploration of the issues affecting children and young people, and how the Programme for Government could be improved. However, the Commissioner has provided a response to the questions in the prescribed format at Appendix 1.

This paper is part of a process through which the Commissioner has provided advice to the Executive on its Programme for Government. The 'Make it Right' campaign in 2010 provided Ministers and other stakeholders with the Commissioner's assessment of the most critical issues affecting children, and requiring action from the Executive. Briefings from the Commissioner, following the May 2011 Assembly election provided new Ministers with an overview of these critical issues along with the Commissioner's advice on where the Executive needed to prioritise action for children within the Programme for Government.

Given the positive intentions expressed by Ministers at those meetings, the Commissioner has been disappointed that the Programme for Government does not provide a stronger demonstration of commitment to deliver on children's rights and best interests. There are significant gaps in areas critical to children and young people's development and wellbeing, despite the Commissioner being aware that work is ongoing or planned on those issues. It is difficult to understand why these are not reflected in the document.

The Commissioner has a clear remit in monitoring the Executive's delivery of commitments in the Programme for Government which relate to children and young people. It is her intention to produce annual reports for the Ministers of the four departments on which NICCY is focussing, in order to provide an assessment of progress on critical issues for children. NICCY will seek to work proactively and constructively with Departments in providing advice according to her statutory duty, and where necessary, will challenge the Executive, to account for its delivery for children. The Commissioner hopes to be able to report, on completion of this Executive's term of office, that it has truly delivered positive and substantial change for children, and in particular for those children who are particularly vulnerable or disadvantaged.



Recommendations

Recommendation 1: The Executive should consider the findings of 'Barriers to effective government delivery for children in Northern Ireland' when planning its work for children over the next three years. This should include ensuring the Programme for Government demonstrates a strong commitment to delivering on children's rights and best interests.

Recommendation 2: NICCY recommends that the Programme for Government includes specific mechanisms for ensuring joined up working between Departments and their delivery bodies. The Executive should consider practical measures such as putting in place joint budgeting processes and a statutory duty to cooperate in planning, commissioning and delivering children's services.

Recommendation 3: The Programme for Government should include a comprehensive legislative programme.

Recommendation 4: The Programme for Government should include commitments to early intervention and prevention for children and young people, linking funding and joint working across departments.

Recommendation 5: The Executive should review the milestones/outputs contained within the Programme for Government to make them more specific and measurable where possible.

Recommendation 6: Priority 5 should include a commitment to deliver effective, timely and co-ordinated policies and implementation plans for children, resulting in measurable outcomes.

Recommendation 7: Robust, transparent arrangements should be put in place to plan, deliver and monitor the Programme for Government and to track the outcomes of the work.

Recommendation 8: The Executive should include commitments in the Programme for Government relating to each of the twelve 'Make it Right' areas the Commissioner identified as most critical for children and young people.



Recommendation 9: OFMDFM should include commitments in relation to delivering the 10 Year Strategy for Children and Young People, the participation of children and young people, implementing the Play and Leisure Action Plan and addressing negative stereotyping of children and young people.

Recommendation 10: The concept of 'Shared Education' within the Programme for Government should be inclusive of issues relating to the sustainability of the schools estate. Moreover, the Department of Education should consider rearticulating its three commitments on shared education in the form of one, higher level strategic commitment.

Recommendation 11: The Department for Education should review its commitments in the Programme for Government to ensure that it has included critical areas such as the sustainability and viability agenda, post primary transfer, the early years strategy, Special Educational Needs and participative structures in schools.

Recommendation 12: The Department of Health, Social Services and Public Safety should review its commitments in the Programme for Government to ensure that it has included critical areas such as protecting funding for children's services, investing in early intervention and prevention, addressing provision at the Royal Belfast Hospital for Sick Children and improving outcomes for vulnerable groups, such as those in need of safeguarding, children with disabilities, those in contact with the care system, children with mental health difficulties and separated children.

Recommendation 13: The Department of Justice, and other relevant Government Departments should review their commitments in the Programme for Government to provide a more child-centred focus on children and young people who are in contact with the youth justice system. Departments should recognise the vulnerability of these children and young people and seek to ensure the adequate and effective provision of services, particularly in relation to education, mental health and accommodation.

Recommendation 14: Once the Programme for Government has been finalised, the EQIA should be reworked, providing a more focussed assessment of the differential impact on each of the section 75 groups, including children, taking all relevant factors into account.



Appendix 1. Response to consultation on Programme for Government in format provided

1. *Do you agree that the Programme for Government is designed and balanced in a way that is appropriate in enabling the delivery of its priorities?*

No

If you do not agree, please explain why and what alternatives you would propose.

The Programme for Government does not demonstrate how it will ensure co-ordinated delivery, monitoring of outcomes and how it will report on progress. See section 2 of this paper for more detail.

2. *Do you agree that the Programme for Government sufficiently links the key commitments to plans for delivery?*

No

If you do not agree, please explain why and what alternatives you would propose

The Programme for Government does not demonstrate how it will ensure co-ordinated delivery, monitoring of outcomes and how it will report on progress. Many of the milestones/outputs contained in the draft document are vague and not measurable. See comments in section 2 for more detail.

3. *Do you agree that, in general, the key commitments contained within the document are appropriate to the successful achievement of priorities?*

No.



If you do not agree, please explain why and identify any potential gaps that may exist

The commitments do not adequately address critical issues affecting children that would enable the Executive to deliver on the Programme for Government Priorities. Additional commitments should include:

- **a strong commitment to delivering on children's rights and best interests.**
- **a commitment to early intervention and prevention for children and young people, linking funding and joint working across departments.**
- **a commitment to deliver effective, timely and coordinated policies and implementation plans for children, resulting in measurable outcomes.**
- **commitments in relation to delivering the 10 Year Strategy for Children and Young People, the participation of children and young people, implementing the Play and Leisure Action Plan and addressing negative stereotyping of children and young people.**
- **In relation to education, commitments relating to the sustainability and viability agenda, post primary transfer, the early years strategy, Special Educational Needs and participative structures in schools.**
- **In relation to health, commitments in relation to protecting funding for children's services, investing in early intervention and prevention, addressing provision at the Royal Belfast Hospital for Sick Children and improving outcomes for vulnerable groups, such as those in need of safeguarding, children with disabilities, those in contact with the care system, children with mental health difficulties and separated children.**
- **In relation to youth justice, commitments to provide a more child-centred focus on children and young people who are in contact with the youth justice**



system and ensure the adequate and effective provision of services, particularly in relation to education, mental health and accommodation.

See comments in Sections 2 and 3 for more detail.

4. *Do you agree the Programme for Government is appropriately balanced in terms of sub-regional recognition?*

N/A

5. *Do you agree that the Programme for Government is appropriately balanced in terms of its recognition of major sectoral issues?*

N/A

If you do not agree, please explain why and highlight any major sectoral issues for consideration.

It is not clear what is meant by 'major sectoral issues'. One interpretation of this question is that it is asking whether the Programme for Government balances its commitments to different groups, or sectors. The Commissioner has a statutory duty to review the Executive's delivery for children and provide advice and challenge in relation to this. This paper has provided this analysis and has outlined 14 recommendations on what should be done to improve the Programme for Government in relation to the Executive's delivery on children's rights and best interests. See recommendations contained in Section 5.

6. *Do you agree that the Programme for Government presents its priorities and commitments in a way that is fair and inclusive to all?*

N/A – the EQIA has not provided the information required to assess the impact on different groups. See section 4 for more detail.



7. *Are there any other issues in the Programme for Government that you wish to comment on?*

Yes, this paper provides a full assessment of the commitments contained in the draft Programme for Government relating to children's rights and best interests. It contains 14 recommendations, which are listed in Section 5.

