



# **RESPONSE**

## **NORTHERN IRELAND NETWORK FOR YOUTH PRE CONSULTATION**

**SEPTEMBER 2007**

## INTRODUCTION

Children in Northern Ireland (CiNI) is the regional umbrella body for the children's sector in Northern Ireland.

CiNI represents the interests of its 108 member organisations, providing policy, information, training and participation support services to members in their direct work with and for children and young people. CiNI has recently opened up its membership to colleagues in the children's statutory sector recognising that the best outcomes for children are increasingly achieved working in partnership with all those who are committed to improving the lives of children and young people in Northern Ireland.

CiNI welcomes the opportunity to respond to DENI's Pre-Consultation on a Northern Ireland Network for Youth.

At this early pre-consultation stage our primary concern in responding is to highlight those principles and values which we believe must inform and underpin the development of options drawn from the United Nations Convention on the Rights of the Child (UNCRC), a legally binding set of minimum international standards, which Government ratified in 1991 and which our local administration will be guided and informed by as it takes forward the implementation and delivery of the over-arching, cross government 10 Year Children and Young People's Strategy (OFMDFM, 2006).

## GENERAL COMMENTS

### NINfY Vision

CiNI notes when the then Minister for Education Angela Smyth announced her plans to establish a NI Network for Youth, the Minister's intention/vision was that it would "*strengthen the direct voice of young people in all relevant aspects of government provision*". We would suggest that the starting point should be the *presumption* that all aspects of government provision are relevant to children and young people, either directly or indirectly, unless it can be demonstrated that a particular aspect of government provision is irrelevant. We would further recommend that the most effective way to ascertain whether or not a policy is relevant to children and young people is by a process of child rights impact assessment/evaluation and we would highlight that the UN Committee on the Rights of the Child has called for such processes to be built into government at all levels and as early as possible in the development of policy (CRC/GC/2003/5 para 45-47).

CiNI also believes that the Network should go beyond simply strengthening the direct voice of children and young people in 'government provision'. Ultimately 'provision' is the end point of what government does, and it is unlikely that the voice of children and young people would be able to effect any real change to the way in which government provides services to them if their voice is only listened to at this end stage.

Therefore CiNI would strongly advocate that the Network is developed with due regard given to the section 75 duty on public authorities, namely government and the statutory sector, to promote equality of opportunity when carrying out its functions and which spans across nine equality categories, one of which is the 'age' category and includes children and young people as well as older people. That is, the Network should

strengthen the direct voice of children and young people across the entire process of how government carries out its 'public functions' for children and young people i.e. identifying need, mapping need, planning and commissioning provision to meet need, and monitoring and reviewing the delivery of provision.

### **Review of Public Administration**

The development of the Network is particularly timely given the outworking of the RPA decisions which will see new and reviewed structures emerging to plan, commission and deliver essential education, health and local government services. The outworking of the RPA decisions will also see the creation of new structures to strengthen the direct voice of the citizen within this process.

We note that DENI is currently developing legislation to create these new and reviewed structures. CiNI would recommend that urgent consideration is given to the status of the Network and its relationship to all of these new structures, particularly the proposed Education Advisory Forum (EAF) which will have an important advice giving function. We would strongly advocate that to demonstrate DENI's commitment to real, meaningful and sustained engagement of children and young people that the Network is placed on a statutory basis and therefore given equal standing amongst all of the other structures which are emerging post RPA. To legislate for the Network's establishment would very clearly and unambiguously define its role and remit, the extent of its functions, and its relationship to other bodies both within education and importantly beyond education.

CiNI would also highlight that it is crucial in working towards the development of the Network that it is clear that ultimately the Network will be a *mechanism* to facilitate the participation of children in government functioning, the most important consideration relates to the way in which children and young people's voices are listened and responded to and evident in government legislation, policy and provision. We would highlight the commentary of the UN Committee on the Rights of the Child "listening to children should not be seen as an end in itself, but rather as a means by which government make their interactions with children ever more sensitive to the implementation of children's rights" (UN Committee on the Rights of the Child GC No. 5 General Measures of Implementation).

In 2002 the UN Committee recommended that procedures be formed to acknowledge publicly the views expressed by children and young people, the impact they have on developing programmes and policies, and reflect how they were taken into consideration. The Committee again reiterated these recommendations during its Day of General Discussion on the Right of the Child to be Heard (2006) when it urged governments to establish clear guidelines on how the views presented by children are taken into account by the formal political process and policy making and ensure that children are provided with adequate response in relation to their proposals.

- **What is your vision of an ideal NINFY?**

CiNI's vision of an ideal network to strengthen the direct voice of children and young people in all aspects of government provision goes beyond that currently envisaged within DENI's Terms of Reference. We believe that the Network must be for all **children and young people aged 0-25**, and must recognise and be inclusive of the multiple identities of children and young people. Therefore we would recommend that a name is chosen that incorporates and is reflective of all children and young people aged 0-25.

CiNI is extremely concerned to note the Terms of Reference which indicate that the Network is not to be accessible to young children aged 0-3. We would highlight that the internationally agreed definition of childhood provided in the United Nations Convention on the Rights of the Child (UNCRC), a definition which is adhered to in the government's over-arching cross cutting 10 Year Children and Young People's Strategy, is inclusive of young children aged 0-3.

CiNI believes that excluding 0-3 year olds sends out a misleading and incorrect message regarding the ability of young children to communicate their views and feelings, and indeed acts to discriminate against young children on the basis of their age.

We would recommend that the Department give due regard to the UN Committee on the Rights of the Child General Comment No. 7 *'Implementing Child Rights in Early Childhood'*. The General Comment aims to encourage recognition that young children are holders of all rights enshrined in the Convention and that early childhood is a critical period for realisation of these rights. It highlights that young children should be recognised as active members of families, communities and societies with their own concerns, interests and points of view (CRC/C/GC/7 para 5).

We would particularly highlight the commentary provided on respect for the views and feelings of the young child where it is recognised that "respect for the young child's agency – as a participant in family, community and society – is frequently overlooked, or rejected as inappropriate on the grounds of age and immaturity". However, significantly the Committee goes on to emphasise that "article 12 applies both to younger and older children ... **as holders of rights, even the youngest children are entitled to express their views**, and these views should be 'given due weight in accordance with the age and maturity of the child' ... young children make choices and communicate their feelings, ideas and wishes in numerous ways, long before they are able to communicate through the conventions of spoken or written language" (CRC/C/GC/7 para 11).

CiNI would therefore strongly recommend that the Network is made accessible to young children. It must be open, innovative and flexible in its approach to ensuring that there are alternative mechanisms available to capture the feelings/views of very young children and ensure that these are fed into the Network's structures.

At this early stage CiNI's view of the Network is of a very flexible, fluid, innovative and interactive concept, perhaps with a small core management structure of children and young people. However it should be possible for any child or young person across NI to be a member of the Network at any one time. Children and young people should be able to opt in and out of the Network as they chose. For example they might want to be a part of the Network to comment on an area of government provision that is of specific interest to them, but clearly not all areas of government provision will be of interest to all children and young people all of the time.

- **What sort of values and principles should NINFY adopt?**

Again CiNI would recommend that the establishment of the Network is legislated for and further we would recommend that enabling legislation embeds the guiding principles and provisions of the UNCRC which our local administration is to be guided and informed by

as it takes forward the implementation and delivery of the over-arching, cross government 10 Year Children and Young People's Strategy (OFMDFM, 2006).

CiNI would highlight in particular the Convention's Guiding Principles which must act as the cornerstone for the development of the Network:

Article 2 State Parties shall respect and ensure the rights set forth in the Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardians race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.

Article 3 In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration

Article 12 State Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

It is significant to note that in 2002 the UN Committee on the Rights of the Child expressed its concern that there has been no consistent incorporation of the obligations of article 12 in legislation and recommended that government take further steps to consistently reflect the obligations of both paragraphs of article 12 in legislation (CRC/C/15/Add. 188). Therefore CiNI would strongly advocate that the obligations of article 12 should be incorporated into the legislation to establish the Network.

Reflecting on the 10 Year Strategy, the Network must be a key contributor to the creation of a 'culture' of involving children and young people in decisions which affect their lives and therefore in doing so can enable government to begin to deliver on its pledge to be proactive in obtaining the views of children on matters of significance to them in accordance with article 12 of the UNCRC (OFMDFM, 2006, p. 20).

CiNI would also highlight the 10 Year Strategy's underpinning values, which could also usefully inform the development of the Network. In particular these core values recognise that all children and young people have rights as individuals; are unique individuals each with a valuable and diverse contribution to make to society; and, are active participants in society (OFMDFM, 2006, p. 11).

- **What functions should NINFY cover?**

A key function for the Network must be the co-ordination and joining up of existing participative structures for children and young people. It should not be necessary for the Network to take on any of the functions already operated by existing structures; however it may act as a central point of access and/or signposting mechanism.

Clearly if the Network is to co-ordinate and join up existing participative structures a core function for the Network would be to establish a definition of participation for NI and demonstrate best practice in the participation of children and young people. It may also have an influencing role on the development of appropriate participation structures e.g. school councils.

CiNI would strongly advocate for a 'specific' function to enable the direct engagement and involvement of children and young people in monitoring and reviewing government implementation of the 10 Year Children and Young People's Strategy, with a view to working with government to bring the Strategy into line with the requirements for a National Action Plan for full implementation of the UN Convention on the Rights of the Child (CRC/GC/2003/5 para 28-36).

CiNI would support the functions of the Network being defined and set out in legislation.

- **How would NINFY link with existing participative structures for children and young people?**

CiNI notes the Working Group Terms of Reference and we agree that NINFY must be an integral and essential component of an overall coherent participation system within Northern Ireland, and therefore must be complementary to other relevant participation initiatives. We would go further and recommend that it must be a regional NI wide mechanism to join together in a cohesive and coherent manner all of the existing participative structures for children and young people. Essentially it would be a mechanism to create and connect the direct voice of children and young people from the local level to the regional level. It must not be a mechanism that would replace or make redundant any of the existing best practice examples of children and young people's participation, there will be occasions when it will be more appropriate for a local structure or a themed structure to take the lead on commenting on a specific area/aspect of government provision and in this case the role of the Network should be to support and direct these voices to ensure that they are listened to by those in government who can act and respond positively to the voices.

- **Are there any existing models in the UK or internationally that would be relevant to this initiative?**

CiNI agrees that it would be important to consider and learn from models of good practice in other jurisdictions and would highlight:

Dail na Nog (RoI)

Wales

New Zealand

Australia

USA – uses phrases 'civic participation'

- **What are the barriers that would stop NINFY from being effective?**

CiNI welcomes this early consideration of possible barriers that could arise and prevent the Network from being effective. It is important that all barriers are identified at this stage so that pro-active steps can be taken to ensure that these barriers do not arise, or where they do arise to allow early action to be taken to overcome the barriers.

At this stage we would highlight that a major barrier to the Network's effectiveness would be the exclusion of any part of government provision from its remit. For example our local administration do not yet have responsibility for 'reserved' matters such as policing and justice provision, and 'excepted' matters including the provision of the taxation system and immigration services will remain the responsibility of the Westminster

Parliament. However these are crucial areas of government provision which some children and young people access directly and which they do wish to have a voice in planning and shaping. Therefore it is crucial to the Network's effectiveness that it has a direct voice into government provision of services in these areas.

The absence of high level Ministerial and cross-government commitment to the Network would be a major barrier to its effectiveness. Therefore while DENI may be leading on the development of the Network, we believe that it is crucial that all of the other government departments are also centrally involved in this development process so that they are committed to the Network and recognise the crucial contribution it can make to the development of child-centred policy and legislation that can deliver improved outcomes for children and young people. We would recommend that the Network should have sponsoring Ministers.

A lack of adequate and appropriate investment in the Network would be a major barrier to its effectiveness. Financial, human and time investment are all essential to the Network's effectiveness. Crucially it must not be seen as a resource neutral initiative and we trust that DENI has made a bid to the CSR process for resources to support the development and maintenance of the Network.

CiNI notes the crucial role played by The Participation Network in skilling up government and the statutory sector so that it can engage effectively with children and young people. On the other side there is also a need for a joined up comprehensive training and support programme for the children and young people involved with the Network to ensure that they have the confidence and skills to be active participants in the Network. Clearly there are existing participative initiatives that could make a contribution to such a training and support programme.

A real barrier to the Network's effectiveness would be the failure to involve and engage children and young people as key stakeholders throughout the entire process of developing, establishing and running the Network. We trust that in line with the Department's section 75 duty to promote equality of opportunity across nine equality categories that children and young people, as part of the section 75 'age' category, will be recognised and respected as key stakeholders throughout the process, and that their engagement and involvement will be facilitated and enabled through the use of child accessible information and age appropriate engagement techniques.

## **CONCLUSION**

CiNI looks forward to facilitating and supporting our members to engage in full public consultation on DENI's draft options for the Network in due course.