

**INDEPENDENT REVIEW OF THE LEGISLATION OF THE
NORTHERN IRELAND COMMISSIONER FOR CHILDREN AND
YOUNG PEOPLE**

SUPPLEMENTARY REPORT

DEENA HAYDON

OCTOBER 2006

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INTRODUCTION

'Putting Children First' Alliance

'Putting Children First' (PCF) was established in 2000 as a multi-agency alliance of organisations working with/for children to campaign for appropriate structures in and outside government. The PCF Alliance sought to guarantee the rights and futures of all children in Northern Ireland and ensure delivery on the Belfast/Good Friday Agreement by campaigning for: the creation of an independent human rights institution for children; establishment of the post of Minister for Children and a Standing Assembly Committee on Children; development and operation of a rights-based Children's Strategy.

The Alliance (PCF, 2001:1) argued that a Commissioner for Children and Young People was needed because children aged 18 and under "remained largely invisible in terms of government structures". The specific issues facing children in Northern Ireland included: a very high incidence of poverty; discrimination - particularly amongst vulnerable young people - in relation to accessing health, education and housing; unacceptable levels of child abuse; increasing numbers of young people affected by mental health problems; the rights and safeguards concerning children in the youth justice system; a socially selective education system which reinforced relative gaps and opportunities for children from different social backgrounds. The Alliance stressed that children in Northern Ireland should have access to the same rights in society as adults, especially as they are subject to rules and regulations over which they have no control or input, they have no voice in political structures and no vote. They should be entitled to the fullest protection that society can provide - grounded in the UN Convention on the Rights of the Child (UNCRC), to which the UK is a signatory. The appointment of a Commissioner was stated as being "a critical step towards ensuring that the rights of Northern Ireland's children are enhanced and upheld".

Independent review

Article 24 of *The Commissioner for Children and Young People (Northern Ireland) Order 2003* (HMSO, 2003) requires the Commissioner to submit an initial report to the First Minister and Deputy First Minister on the working of the Order "as soon as practicable after the third anniversary of the making of [the] Order" (A24: 2), with a subsequent report "at such time as the Commissioner thinks fit, not being earlier than three years after the making of the last previous report" (A24: 3). These reports are expected to "include the views of the Commissioner on the adequacy and effectiveness of [the] Order; and may contain recommendations as to amendments to [the] Order which in the opinion of the Commissioner are necessary or desirable" (A24: 4a and b).

The PCF Alliance was re-convened in August 2005 with the intention of informing the Commissioner's first review. In December 2005, questionnaires were sent to the 200 members of 'Children in Northern Ireland' networks with a covering letter explaining the purpose of the *Independent Review of the Legislation of the Northern Ireland Commissioner for Children and Young People*.

LETTER AND QUESTIONNAIRE



2 December 2005

Dear Colleague

Re: Putting Children First (PCF) Alliance; Independent Review of the Northern Ireland Commissioner for Children and Young People (NICCY) Legislation

You should already have received a letter from the Putting Children First Alliance informing you of our intention to undertake an independent review of NICCY to coincide with the statutory review (Article 24 Commissioner for Children and Young People (Northern Ireland) Order 2003¹). The PCF Alliance Terms of Reference for the Independent Review are attached. Members of the PCF Alliance and many others argued strongly at the time of drafting and finalising of the legislation for the best possible legislation to establish the Commissioner's Office including the opportunity to review its adequacy and effectiveness. Our aim, in line with the expressed wishes of the Northern Ireland Executive /Assembly, was and is "to put Northern Ireland is at the leading edge of best practice in the protection of children's rights".²

This Independent Review is being undertaken by members of the Putting Children First Alliance and intended to take **a positive approach** to reviewing the duties and powers of the NICCY, while also allowing for consideration of how such duties and powers could or should be strengthened. The Review is essentially a snap-shot exercise and not intended to be either a comprehensive research exercise or attempt to evaluate the operations of the NICCY. The Terms of Reference and need for an Independent Review of the Children's

¹ Article 24 of the Order provides for a review of the legislation by the Commissioner on

- the *adequacy and effectiveness of the Order* which
- may contain *recommendations as to amendments to the Order* which in the opinion of the Commissioner *are necessary or desirable*.

Under devolution, such a report should be made available to the First Minister and Deputy First Minister as soon as possible after the third anniversary of making the Order (by the end of February 2006). Under Direct Rule arrangements the report should be made available the Secretary of State for Northern Ireland who would then lay the report before Parliament.

² NI Executive statement contained within the proposals issued by the Office of the First Minister and Deputy First Minister on 6th September 2001 called "Protecting our Children's Rights; A Consultation Paper on a Commissioner for Children in Northern Ireland

Commissioners legislation has been endorsed by a wide range of organisations and agencies.

I am now writing to you regarding the Independent Review to ask if you/your organisation would take a little time to complete, and return, the attached short questionnaire. I understand busy workloads but would very much appreciate if you could find time to complete and return it by 16 December 2005 as we hope to have the Review Report finalised and endorsed in early 2006 to coincide with the statutory review date, which we believe is a key opportunity to influence – in a positive way - the future role and remit of the office of the NICCY.

You may wish to complete the questionnaire by telephone. To facilitate this please ring Caroline on 028 90401290 to arrange a suitable date/time on which we can contact you to complete the questionnaire.

We are particularly keen to have the views of children and young people included in the Independent Review. Attached you will also find a Children and Young People's Worksheet. We would appreciate your help in facilitating the children and young people you work with or represent in completing this worksheet.

If you have any queries please do not hesitate to contact the PCF Research Steering Group C/o Children in Northern Ireland, 40 Montgomery Road, Belfast, BT6 9HL, Tel: 028 90401290.

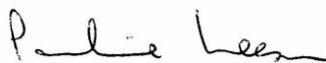
Please circulate this email to colleagues whom you believe would have a contribution to make to the Independent Review.

Thank you very much for taking time to complete the Questionnaire. We look forward to hearing from you and receiving your completed Questionnaires. By way of feedback we will send you the completed PCF Alliance Independent Review Report.

Finally, as attachments accompanying this letter you will find:

- PCF Alliance Terms of Reference
- PCF Alliance Questionnaire
- PCF Alliance Children and Young People's Worksheet

Yours Sincerely



Pauline Leeson
On Behalf of Putting Children First Alliance

Putting Children First Alliance Independent Review of NICCY Legislation - Questionnaire

The Legal Framework for NICCY

The Commissioner for Children and Young People (Northern Ireland) Order 2003 passed into law on 27 February 2003 establishing the first Office of Commissioner for Children and Young People in Northern Ireland. Detailed information about the Children's Commissioner and the duties and powers under the legislation can be found on www.childrenslawcentre.org/childrenscommissioner.

Article 24 of the Order provides that the Order will be reviewed after three years when the Commissioner will be required to make a report to the First Minister and Deputy First Minister. This questionnaire, which forms part of an Independent Review of NICCY being carried out by the Putting Children First Alliance, aims to gather brief information to assist in analysing the Extent and Use of the current Duties and Powers of the Northern Ireland Children and Young People's Commissioner (NICCY³) with a view to Independently Reviewing their adequacy and effectiveness as envisaged by the Article 24 of the Order.

The Role of the Children's Commissioner

Under the current law, NICCY can help children and young people under the age of 18, some young people who are leaving care and are aged over 18 and young people under the age of 21 with a disability. The main aim of the Children's Commissioner is to *safeguard and promote the rights and best interests of children and young people*.

In deciding whether and, if so, how to exercise his functions in relation to any particular child or young person,

- a) the Commissioner's paramount consideration shall be the rights of the child or young person and
- b) to have regard in particular to the ascertainable wishes and feelings of the child or young person (considered in light of his age and understanding).

In his dealings with any person or body under the Order, the Commissioner shall at all times have regard to any statutory provision or rule of law which authorizes/requires that body or person to act in a particular manner or authorises or requires that body or person to have regard to any consideration other than that mentioned under (a) above.

Furthermore, in determining whether and, if so, how to exercise his functions under the Order, the Commissioner shall have regard to -

- (a) the importance of the role of parents in the upbringing and development of their children; and
- (b) any relevant provisions of the United Nations Convention on the Rights of the Child.

³ The acronym 'NICCY' and term 'Children's Commissioner' are both used in the questionnaire and intended to refer to the Office of the Northern Ireland Commissioner for Children and Young People as opposed to the Children's Commissioner himself, Nigel Williams.

NICCY's Current Duties and Powers

The Duties of the NICCY (i.e. things that the Children's Commissioner MUST do) are to:

- Promote an understanding of the rights of children and young persons (including an awareness of the importance of those rights and a respect amongst children and young persons for the rights of others and an awareness of matters relating to the best interests of children and young persons).
- Review (the adequacy and effectiveness of) laws and practices relating to the rights and welfare of children and young persons.
- Review (the adequacy and effectiveness of) services provided for children and young persons by the relevant authorities.
- Advising the Secretary of State and Assembly (and a relevant authority) about the rights or best interests of children and young persons (he must provide this advice as soon as practicable after receipt of a request for advice and on such other occasions as he thinks appropriate).
- Make sure that children and young persons and their parents know about what the Commissioner can do, the location of the Commissioner's office and ways in which they can communicate with the Commissioner.
- Make sure that children and young persons are encouraged to communicate with the Commissioner.
- Make sure that the content of any information published by the Commissioner takes account, as far as possible of the age, understanding, usual language and any disability of the children and young people who will read the information.
- Make sure that the views of children and young persons are sought about the way the Commissioner exercises his functions.
- Make sure that the Commissioner's services are available in the locality where children and young people live.

The General Powers of NICCY are to

- Undertake, commission or provide financial or other assistance for research or educational activities concerning the rights or best interests of children and young persons.
- Issue guidance on best practice after consultation on the rights and best interests of children and young people.
- Conduct investigations.
- Compile information concerning the rights and best interests of children and young persons, provide advice or information on any matter concerning the rights or best interests of children and young people and publish material about rights and best interests.
- Make recommendations to any person or body about any matter concerning the rights or best interests of children and young people.

The Questionnaire

This questionnaire aims to gather brief information useful for an analysis of the adequacy and effectiveness of the current duties and powers of the Northern Ireland Children and Young People's Commissioner (NICCY). The format of the Questionnaire is designed to gather or capture information about respondent's experience and knowledge of NICCY and how it has functioned to date along with seeking suggestions, where appropriate, as to how NICCY's duties, powers and resources can be strengthened and/or used more effectively in future.

- **Section A** ('About You/Your Organisation') asks a number of questions about you/your organisation, your work with children and young people
- **Section B** ('You/Your Organisation and NICCY') aims to gather information about your existing knowledge of NICCY and any working relationship you have with NICCY.
- **Section C** ('Examples of Your Experience and Direct Work with NICCY') aims to gather information on specific examples of key children's rights issues / concerns in respect of children and young people which you/your organisation may have raised with NICCY, what actions or interventions were taken by NICCY and what outcomes resulted. It also asks what, if any, additional powers, duties and resources for NICCY might have made a difference in the example(s) cited.

Please note, Section C is designed to be copied to enable respondents to cite as many examples, as necessary. Please clearly label examples 1, 2, 3 accordingly.

- **Section D** ('Key Issues Facing Children and Young People in Northern Ireland and How NICCY Should/Should Not Help) –aims to gather information from respondents on what key groups and priority issues NICCY should, or should not, cover or be addressing and whether NICCY's remit, powers, duties and resources in relation to protecting children's rights need to be extended or strengthened in the future.

Help with Completing the Questionnaire, Follow up Interviews and Helping Young People Have Their Say

If required, the PCF research sub- group can offer respondents the opportunity to complete the questionnaire over the telephone. If you wish to take up this offer please contact Caroline at Children in NI 028 90401290.

Please also indicate in the space provided below (D6) if you/your organisation would be willing to be involved in a follow up interview.

Completion Date for Questionnaire

The PCF Alliance would very much appreciate if you could find time to complete and return the questionnaire by **16 December 2005** as we hope to have the Review Report finalised and endorsed in early 2006 to coincide with the statutory review date, which we believe is a key opportunity to influence – in a positive way - the future role and remit of the office of the NICCY.

Confidentiality & Analysis of Information

We do not expect respondents to disclose any sensitive or confidential information about children and young people, individuals or agencies / organisations when completing this questionnaire. PCF will ensure analysis of questionnaire data will not lead to identifying individuals or agencies/organisations, whether directly or indirectly. Responses will inform the development of the PCF Independent Review Report. Respondents will receive a copy of the final report.

Section A: About You/Your Organisation

Questionnaire Number

Date Questionnaire Completed : -----/-----/-----

For
Coding

A1. Contact name and name of the organisation (**optional**)

A2 Please indicate (underline) in which sector you/your organisation operates in Northern Ireland

Voluntary Community Statutory Private

A3 Please indicate (tick), which Local Council area(s) in Northern Ireland are covered by your organisation?

Antrim	Ards	Armagh	Ballymena
Ballymoney	Banbridge	Belfast	Carrickfergus
Castlereagh	Coleraine	Cookstown	Craigavon
Derry	Dungannon and South Tyrone	Down	Fermanagh
Larne	Limavady	Lisburn	Magherafelt
Moyle	Newry and Mourne	Newtownabbey	North Down
Omagh	Strabane		
All Council Areas			

A4 Do you/your organisation represent or provide services for a particular group of children or young people (e.g. looked after children, children from ethnic minorities, children with special educational needs, young people in juvenile justice settings etc)?

Yes (go to Q A5)

No (go to Q A6)

A5 If yes, please specify which group(s) of children you/your organisation works with or represents?

A6 Please indicate the main aims of the organisation:

Please refer to the list of NICCY 'Duties and Powers' above to help answer the questions in Sections below

Section B: You/Your Organisation and NICCY

*For each question **please underline** as appropriate Yes / No*

B1 Are you/your organisation aware of NICCY and what the office does?
Yes / No

B1a If so, how did you find out about NICCY (e.g. going on the NICCY website)?

B2 Have you/your organisation had direct contact with the NICCY office?
Yes / No

B2a If yes, please indicate the type of contact you/your organisation had with NICCY
(e.g. responding to NICCY consultation / bringing a complaint)

B3 Have you / your organisation raised issues directly with NICCY in relation to
a General issue(s) affecting children and young people in Northern Ireland?
Yes / No

b Regarding a complaint / individual case by / on behalf of a child/young person? Yes / No

If you answered Yes to a) or b) please indicate at B4 how these have been pursued

B4 Please indicate if the you have raised particular issue(s) with NICCY in relation to their work on

a) Research & Service Reviews
Yes / No

If yes please specify

b) Complaints work
Yes / No

If yes please specify

c) Investigations/Legal Proceedings
Yes / No

If yes please specify

d) Other types of work
Yes / No

If yes please specify

NB - The Questions in Section C below ask you to give Specific Examples and Details of your Experience and Direct Work with NICCY

Section C: Examples of Your Experience and/or Direct Work with NICCY

Please copy Section C pages to add further examples as necessary

For each question please underline as appropriate Yes / NO

C1 **Example** (eg 'Example 1 of 3')

C2 Please give an example of a key issue/infringement of children's rights raised by you/your organisation (on behalf of children and young people) with NICCY

C3 Was the above issue/concern raised in respect of

a) An individual child/young person or
Yes / No

b) A more general concern
Yes / No

C4. In respect of the above issue/concern, what did you ask NICCY to do?

C5 Do you know what action(s) were taken by NICCY to resolve / find remedy for child (ren)/ young person (people) in respect of this issue?

Yes / No

C6 Please specify what action(s) were undertaken by NICCY?

C7 If the issue/concern raised related to a particular person/body are you aware of how that person / body responded when approached by NICCY on this matter?

Yes / No

C8 If yes, in what way did that person / body respond to NICCY on this matter?

C9 In your view, do you think that the NICCY action(s) led to a good / positive outcome(s) for the child(ren) / young person / people concerned ?

Yes / No

C10 If yes, please indicate how the child(ren)/young person/people benefited

C11 Could or should NICCY have done anything else in relation to the example cited?

C12 In the example cited above, do you think that a better outcome may have been produced if NICCY had additional powers, duties and resources than at present?

Yes (go to C13)

No

Don't Know

Not Able to Say

C13 If Yes, please outline the types of additional powers, duties and resources that would have helped produce a better outcome in this case?

Please copy Section C pages to add further examples, as necessary

Section D : Key Issues Facing Children and Young People in Northern Ireland and How NICCY Should / Should Not Help

D1 Please complete the table below indicating:

(a) In your view what groups of children and young people should NICCY’s work cover (e.g. looked after children, black and minority ethnic children)

(b) For each group of children/young people what age range NICCY’s work should cover

(c) For each group of children/young people what work you are aware of that NICCY is doing with/for this group(s) of children/young people

(d) For each group of children/young people what other work that NICCY could do with/for this group (s) of children/young people?

Group of children/young people	Age Range of children/young people	Are you aware of work that NICCY is doing with/for this group of children and young people	Is there other work NICCY could do with/for this group of children/young in the future

D2 Do you consider NICCY’s current powers, duties and resources adequate? If no, what additional powers, duties and resources, do you think NICCY should have?

D3 Are there any issues facing children and young people in Northern Ireland which you consider NICCY should NOT address?

D4 If so, who do you think should have the legal responsibility/authority to address such issues?

D5 Is there anything else you would like to say or comment on to inform this Independent Review?

Please continue below

D6 Please indicate if

a) You/a representative of your organisation would be willing to take part in a follow-up interview?
(These interviews will take place during December 2005/Januray 2006)

Yes/ No

If Yes, Please indicate a name and contact details:

Thank you for your time and effort in completing this Questionnaire.

Please return the completed questionnaire to Putting Children First Alliance

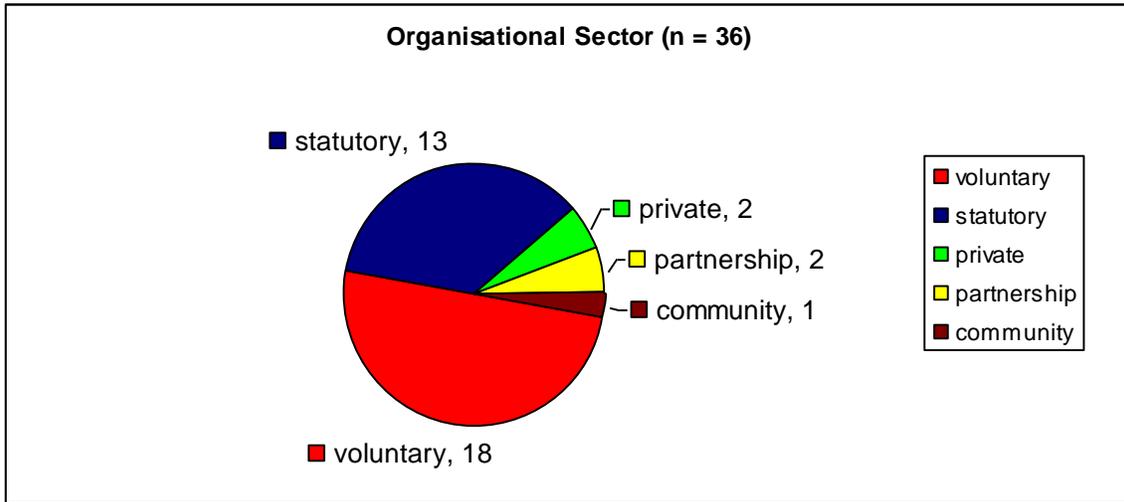
By email c/o: Caroline@ci-ni.org.uk

**By post c/o: Children in Northern Ireland, Unit 9, 40 Montgomery Road,
Belfast BT6 9HL**

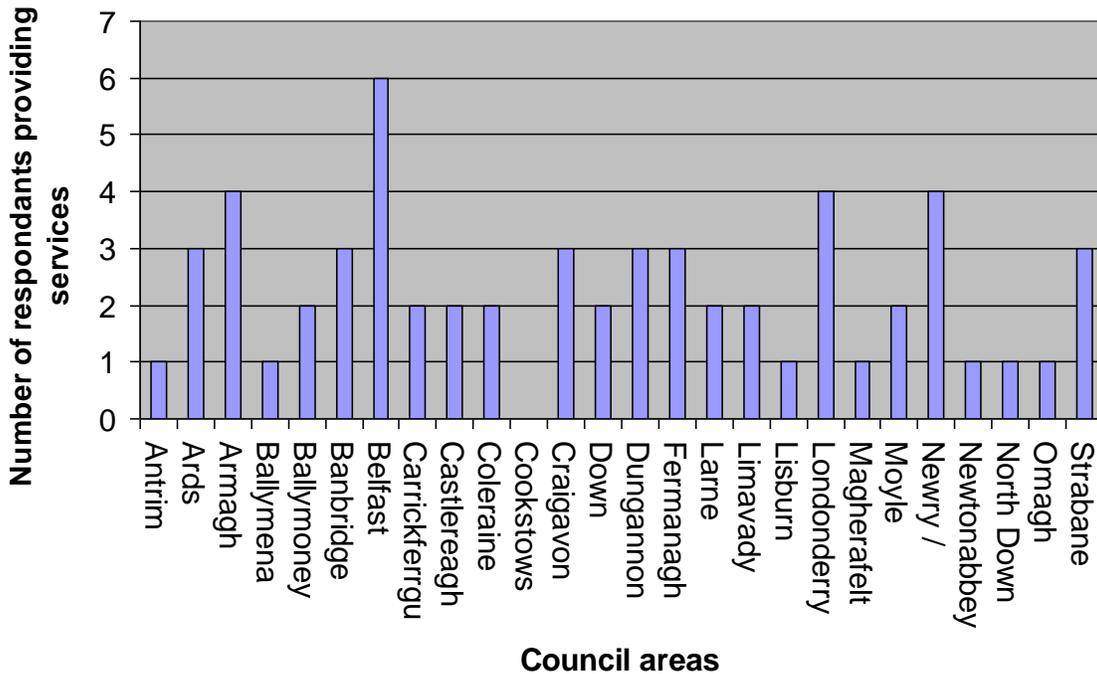
QUESTIONNAIRE RESPONSES

Responses were received from representatives of 36 organisations which included a cross-section of voluntary, statutory, private, partnership and community organisations working with children and young people across Northern Ireland.

Organisational Sector (n=36)



Northern Ireland council areas covered by organisations



Organisations' provision of services for specific groups of children and young people

Sector	Yes	No
Voluntary	13	5
Statutory	13	-
Private	-	2
Community	-	1
Partnership	-	2

Specific groups of children/ young people represented by organisations

- Children from 0-5/ early years (Vol + Stat)
- Children from 0-25, particularly vulnerable/ disadvantaged (Vol + Stat)
- Children referred by H&SS Trusts (Vol + Stat)
- Children 'in need' (Vol + Stat x2) or 'at risk' (Vol + Stat)
- Children with learning disabilities (Vol + Stat)
- Children with multi/ dual sensory impairments (Vol + Stat)
- Looked after children/ young people leaving care (Vol + Stat)
- Children and young people in custody (Vol x2 + Stat)
- Children who are offending/ at risk of offending (Vol + Stat)
- Children of prisoners (Vol)
- Children from socially deprived areas who are socially and educationally excluded (Vol)
- Children and young people who have experienced/ witnessed domestic violence (Vol)
- Families with premature, ill or disabled babies and families of multiples (Vol)
- Parental support (Vol)
- Family Project/ Centre (Vol x3)
- Young Carers (Vol)
- Children who need support to improve mental, emotional or psychological health (Vol)
- Deaf children (Vol)
- Children involved in adoption proceedings (Stat x2)
- Pre-school-18 in formal education and young people in informal education (Stat)
- Child protection (Stat x2)

INDEPENDENT REVIEW TERMS OF REFERENCE

The Putting Children First Alliance commissioned an independent review of the legislation in February 2006, for which the Terms of Reference stated:

The Terms of Reference for the Review of Legislation of the Commissioner for Children and Young People:

- To independently review the effectiveness, remit and operation of The Commissioner for Children and Young People (Northern Ireland) Order 2003.
- To prepare and submit a report to NICCY and OFMDFM as NICCY's sponsoring government department on 27th February 2006 and to other interested bodies including the UN Committee on the Rights of the Child. The report will independently assess the adequacy, effectiveness and operation of the Order against international standards and best practice drawing on evidence in respect of the discharge of duties, exercise of powers and interpretation of statutory remit by the Commissioner's office.
- The Report shall make recommendations as to amendments to the Order with a view to strengthening the Order in compliance with international principles on national human rights institutions, and any other recommendations it may deem necessary, thereby enabling the Commissioner to safeguard and protect the rights and best interests of all children and young people in all aspects of their lives.
- The report shall be prepared by a sub-group of the PCF Alliance Steering Group. The sub-group will be guided by and report regularly to the Steering Group. The final report will be signed off by the Steering Group of PCF.
- PCF shall liaise as deemed appropriate with the Commissioner and others in the preparation of its report.
- PCF shall brief those deemed appropriate on its report.

PCF shall operate for the sole purposes outlined above. The Terms of Reference shall be reviewed on completion of the PCF Review, on completion of NICCY's statutory review and when the Government (OFMDFM) delivers its response to the statutory review of the Order.

FOCUS GROUPS

As part of the independent review, focus groups were held in March 2006 with two established multi-agency groups (PCF Steering Group and CiNI Policy Group) to discuss compliance of the 2003 Order with international standards. Each group included representatives from the statutory and voluntary sectors and the focus groups were arranged as part of the agenda for planned meetings.

CHILDREN in NORTHERN IRELAND POLICY SUBGROUP (13.3.06)

Children in Northern Ireland*
Save the Children*
Children's Law Centre*
Include Youth*
VOYPIC
NCH NI
Childline NI
Parents Advice Centre
Mencap
Derry Children's Commission
National Deaf Children's Society
NIACRO
Princes Trust
Disability Action

PUTTING CHILDREN FIRST STEERING GROUP (30.3.06)

Parents Advice Centre*
Children in Northern Ireland*
Children's Law Centre*
Save the Children*
Royal College of Nursing*
NCH NI
Include Youth
Childline NI
Mencap

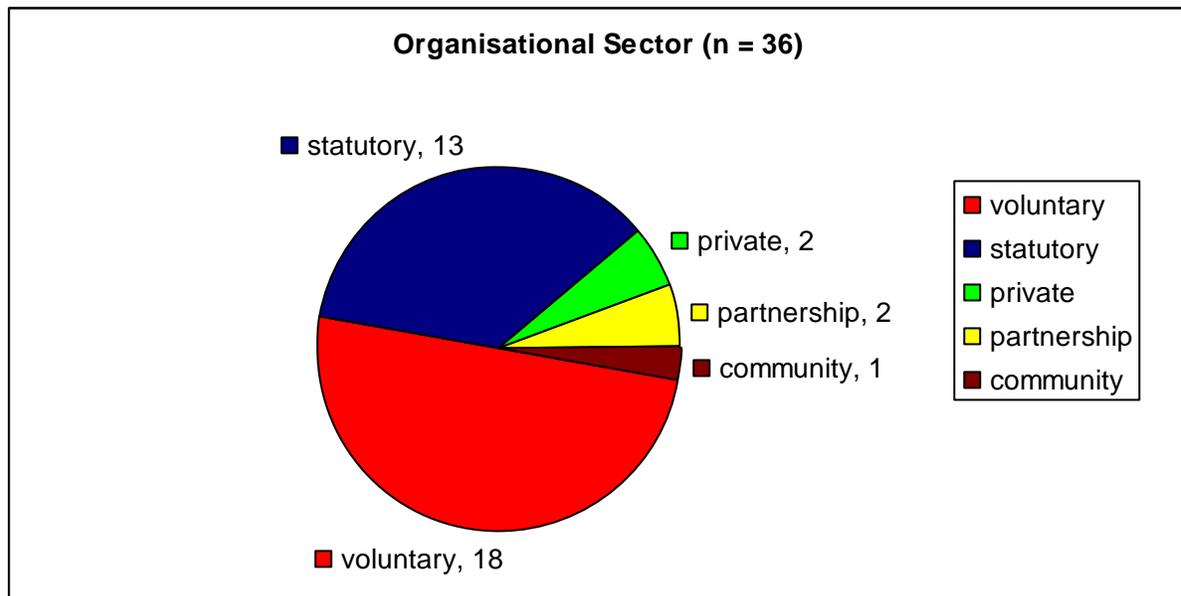
*representative present at focus group

INFORMATION GATHERED FROM QUESTIONNAIRES AND FOCUS GROUPS

Knowledge about NICCY

All the organisations responding to the questionnaire (36) were aware of the Commissioner and what the NICCY office does.

Awareness of NICCY and what the office does: Yes



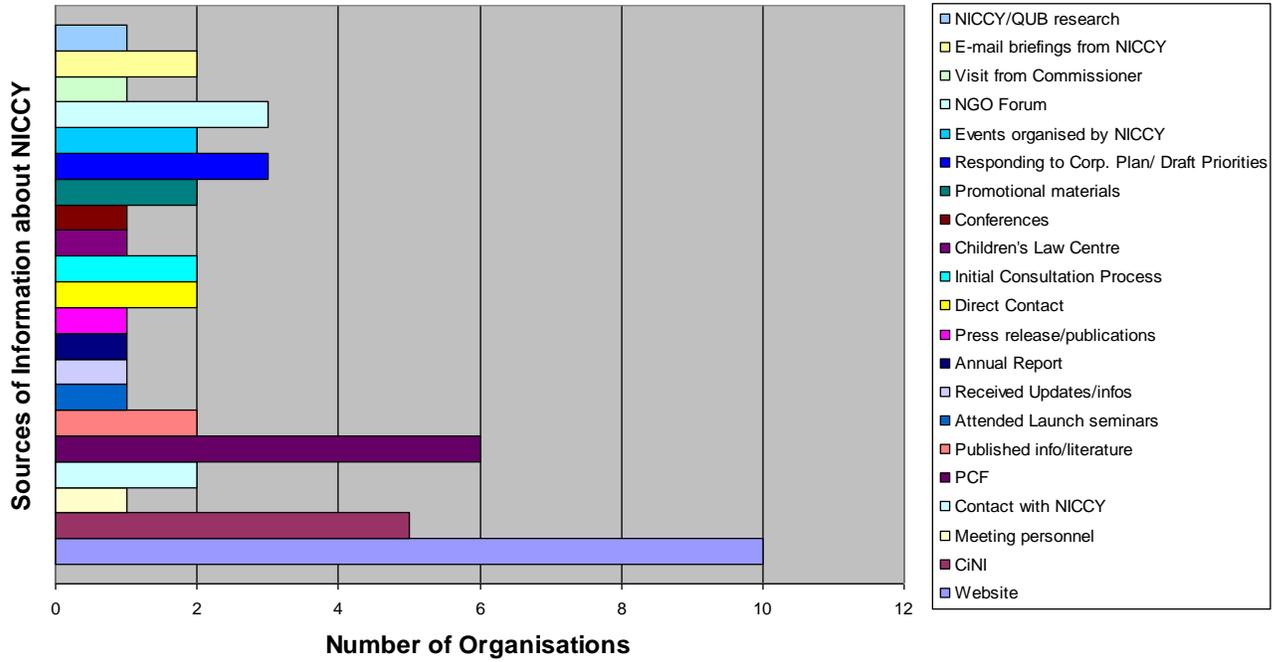
Comments reflected the valuable contribution of NHRIs for children:

“It is important to give children a voice... NICCY are doing a wonderful job and have an outstanding team of dedicated workers.” (Partnership)

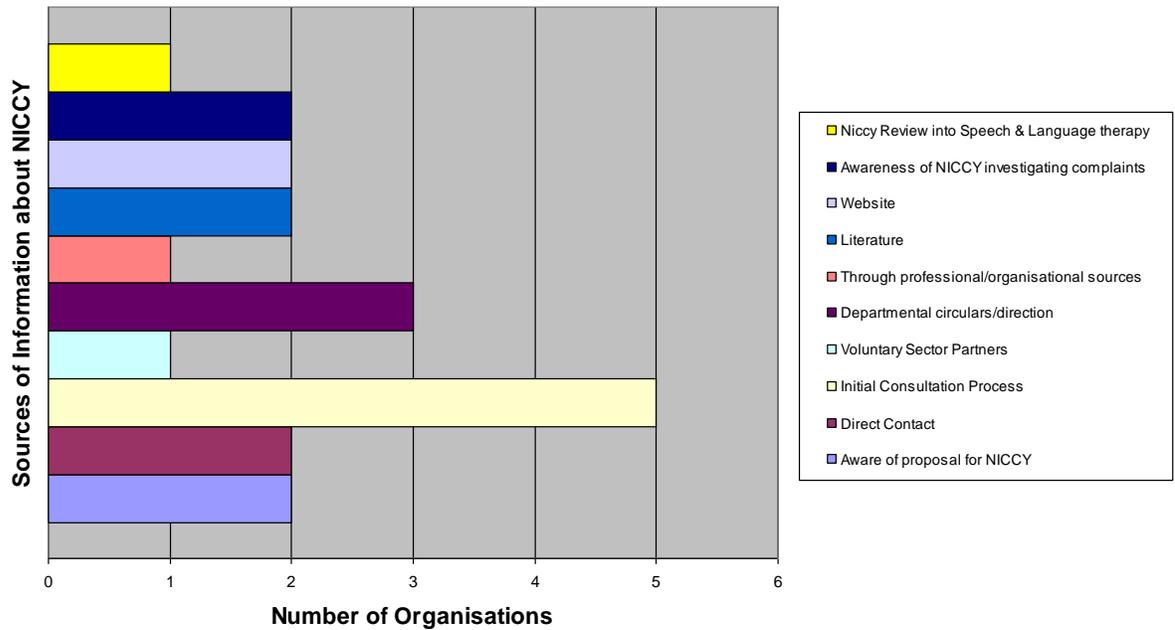
“Within the public sector there is support and respect for NICCY” (Stat)

How organisations found out about NICCY

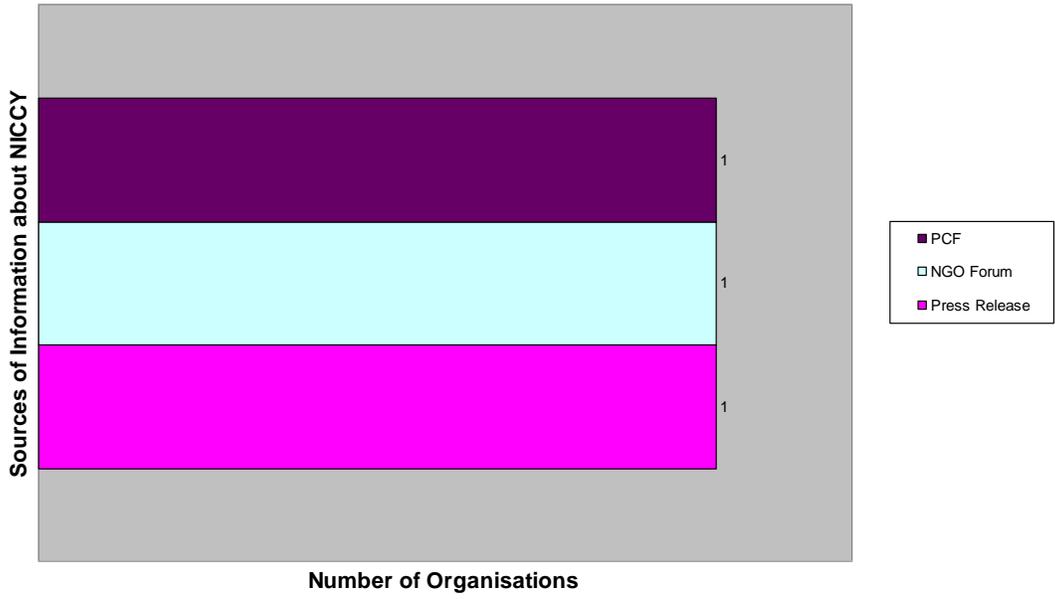
Voluntary Organisations



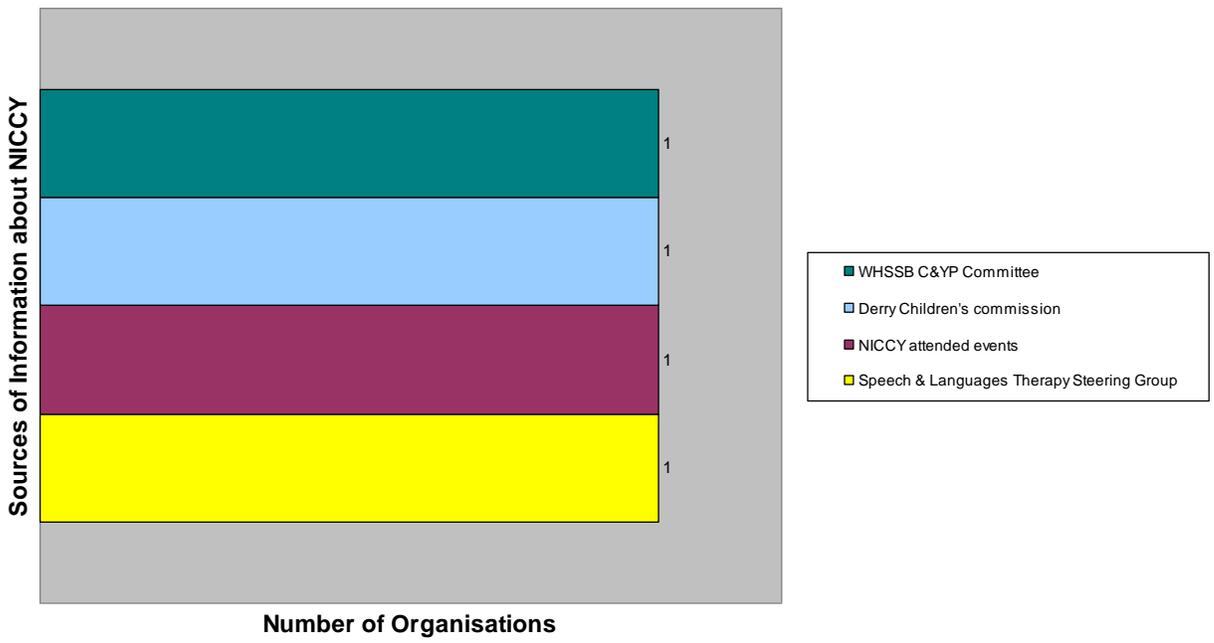
Statutory Organisations



Private Organisations



Partnership Organisations



Organisations' contact with NICCY

When recording type of contact with NICCY, half of the organisations had responded to NICCY consultations. Both voluntary and statutory organisations recorded: involvement in QUB research/research interviews; the Commissioner speaking at their conference/AGM/event or visiting their organisation/project; and meeting NICCY staff. Voluntary organisations also mentioned membership of Steering/Advisory Groups while statutory organisations noted review of practice and responding to a complaint/query from NICCY.

Type of contact	Sector and no. of organisations
<i>Respondent to NICCY consultations</i>	Vol (10) Stat (8) Partnership (1)
<i>Member of Steering/Advisory Group</i>	
▪ QUB Research	Vol (4)
▪ Public Expenditure	Vol (2)
▪ Children's Participation	Vol (2)
▪ Anti-bullying policies	Vol (2)
▪ Safer Transport	Vol (1)
▪ Suicide	Vol (1)
▪ NICCY Committee Steering Group (unspecified)	Stat (1)
<i>Commissioner:</i>	
▪ Spoke/Panel member at organisation's Conference/AGM/Events	Vol (4) Stat (1)
▪ Visited organisation/launched project	Vol (5) Stat (1)
<i>Meetings with:</i>	
▪ Commissioner	Stat (1)
▪ NICCY info/admin staff	Vol (1) Stat (1)
▪ NICCY staff (unspecified)	Vol (4) Stat (3)
▪ Networks, including NICCY	Vol (1)
<i>Participation in NICCY'S work:</i>	
▪ Vetting Review	Vol (2)
▪ Research interviews	Stat (3)
▪ NICCY initiatives (unspecified)	Stat (1)
▪ NICCY informal review of practice in specific case	Stat (1)
▪ Responding to a complaint	Stat (2)
▪ Responding to queries from NICCY	Stat (1)
▪ Events at NICCY	Vol (1)
▪ Briefing NICCY office re Travellers, plastic bullets, conflict-related mental	Vol (1)

health issues	
Approaching NICCY to:	
▪ Join CAU Alliance	Vol (1)
▪ Support lobbying of Children's Minister re lack of funding in community & voluntary sector	Vol (1)
▪ Provide information	Vol (1)
▪ Broker discussion between CYPC's and OFMDM re outcomes to be adopted in Children's Strategy	Stat (1)
▪ Endorse work (unspecified)	Community (1)
▪ Attend meetings with parents of children with ADHD	Partnership (1)
Supporting young people to:	
▪ Call NICCY directly and complain about child protection issue	Vol (1)
▪ Meet NICCY staff/ Commissioner	Vol (1) Stat (1)

Issues raised with NICCY

Issues raised with NICCY by voluntary, community and partnership organisations tended to be general. The statutory sector raised general and specific issues with NICCY.

SECTOR	General issues	Specific issues
Voluntary	12/18	1/18
Statutory	4/13	3/13
Private	0/2	0/2
Community	0/2	0/2
Partnership	1/1	0/1

Involvement in NICCY's work

Responses about organisations' involvement in NICCY's work highlighted some significant differences (although these were based on what respondents recorded, which may not reflect actual practice).

Type of work	Sector and no. of organisations
Research and Service Reviews	
▪ QUB research	Vol (4)
▪ NICCY priorities consultation	Vol (1)

▪ Effects of physical punishment	Vol (1)	
▪ Suicide	Vol (1)	
▪ Amount of time babies spend in crèches and effects	Vol (1)	
▪ CAMHS provision	Vol (1)	Stat (1)
▪ Child poverty/public expenditure	Vol (2)	
▪ Closure/potential reduction in essential children's services due to funding shortages 05-06	Vol (2)	
▪ Review of vetting service	Vol (1)	
▪ Young people under paramilitary threat		Stat (1)
▪ LAC		Stat (1)
▪ Child protection		Stat (1)
▪ Ethnic minorities		Stat (1)
▪ Speech and Language waiting lists		Partnership (1)
▪ ADHD children's needs		Partnership (1)

The voluntary and statutory sectors recorded involvement in research and service reviews, but only CAMHS provision was mentioned by both. Voluntary sector organisations noted involvement in: QUB research; NICCY priorities consultation; effects of physical punishment; amount of time babies spend in crèches; child poverty/ public expenditure; reduction in essential services due to funding shortages 05-06; vetting. Partnership organisations noted: speech and language therapy waiting lists; needs of ADHD children. Statutory sector organisations noted: young people under paramilitary threat; LAC; child protection; ethnic minorities. While this may reflect the relative focus of work within voluntary and statutory organisations, both sectors are involved in provision within all of these areas. Lack of involvement of one sector may lead to a partial understanding about significant issues and is likely to undermine inter-agency partnerships and ways of working.

Complaints:	
▪ Statutory bodies' practices re rights and welfare of children and young people	Vol (1)
▪ Supported young person to complain	Vol (1)
▪ Responded to complaint raised by NICCY re services provided by Trust	Stat (1)
▪ Responded to a number of complaints made by service users	Stat (1)
▪ Confidential	Stat (1)

When referring to complaints, the voluntary sector tended to raise awareness of problems and support young people in making a complaint while the statutory sector responded to complaints made about their services.

<i>Investigations and legal procedures:</i>	
▪ Child protection issues/ family law	Vol (1)
▪ Parent consent	Vol (1)
▪ Responded to issue raised by NICCY in respect of LAC	Stat (1)
▪ Relating to circumstances/ care planning arrangements for a number of LAC	Stat (1)
▪ Confidential	Stat (1)

Voluntary sector involvement in investigations and legal proceedings related to child protection issues/family law and parent consent. Statutory sector responses related to circumstances or care planning arrangements for looked after children.

Perceptions about how NICCY is using its powers and fulfilling its duties

Questionnaire responses and focus group discussions helped identify significant issues relating to NICCY powers, duties and resources. There was a clear perception that NICCY’s influence had been impeded by the collapse of the Assembly and devolution.

A central issue was Paris Principle compliance, and the view that NICCY should be independent of government with powers to: effectively carry out investigations (especially in respect of children in the care of the state), ensure children’s access to legal remedies, fulfill all the functions necessary to promote and protect children’s rights, address breaches of rights and failures to protect rather than just review safeguarding mechanisms.

Expressed concerns were not linked to the Commissioner’s actual **powers**, but to how these were being used:

“NICCY has not (yet) had the opportunity, or occasion, to exercise all of its current powers” (Vol)

“NICCY has a range of powers but, to date, it has not been evident how these are exercised (particularly in relation to very vulnerable children who are often known to multiple agencies but whose difficulties are not addressed in a holistic, cross-agency plan)” (Vol)

“[NICCY] must use powers of investigation to better effect, with more emphasis on speaking directly to children and young people” (Stat)

Voluntary and statutory organisations felt that the Commissioner’s powers should include the power to: ensure implementation of the UNCRC; carry out investigations relating to all children, without diminution of standards for any category (eg young people in youth justice centres); and ‘rights proof’ policy and legislation at draft stages, with a requirement that changes are made if rights are being violated.

In addition, a number of specific powers were noted. These related to aspects of non-compliance with international standards, including the power to: lobby for additional resources/services to help meet UNCRC; initiate a formal investigation without relying on a (vulnerable) child/young person (likely to be in the care of the state) first having to identify themselves; take cases in her/his own name, or fund children to take cases, where there has been a denial of children’s rights; contribute to any legal proceedings which may have implications for children’s rights; summons witnesses, enter premises and seize documents; investigate a decision to prosecute/not to prosecute in relation to criminal proceedings; ‘require’ bodies to act in the best interests of the child, not just ‘make recommendations’; instruct departments to work collaboratively where required; access resources commensurate with application and full use of his/her powers, with use of resources periodically reviewed (eg tri-annually, when reviewing adequacy of the legislation).

To ensure that the Commissioner’s **remit** includes *all* children and young people, statutory and voluntary organisations argued this should be extended to include children and young people currently under the responsibility or care of non-devolved bodies in NI (eg young people in the criminal justice system and asylum seeking children/families), or receiving services provided by private bodies.

The majority of questionnaire respondents considered that work with *all* children and young people was an important element of NICCY’s role. In addition, a significant proportion (almost a third) of voluntary and statutory organisations argued that NICCY should work with the following specific groups: LAC/care leavers; BME children including Travellers; children and young people involved in the youth justice system/in trouble with the law. Some voluntary and statutory organisations also commented that NICCY should work with children and young people: with mental health needs; with profound/multiple learning difficulties or disabilities; seeking refuge or asylum; ‘in need’, ‘at risk’ or ‘vulnerable’. Individual organisations suggested that NICCY should work with children and young people: suffering from bullying/abuse/domestic violence; who are homeless; with autism/aspergers; with SEN; under paramilitary threat; with complex long-term illness; abusing drugs/alcohol; experiencing discrimination; who are carers; affected by conflict; out of education; whose parents are in prison (See Appendix 1).

When considering the Commissioner's **role**, responses mainly related to raising awareness of, and support for, specific issues: compliance of legislation and policy such as the Children's Strategy with domestic/international human rights standards; support and prevention; disabled children, Black and ethnic minority children and lone parents in relation to the impacts of poverty. A key concern was that the Commissioner should support minority groups and issues, not just 'big' or high profile issues which receive a lot of publicity.

Work with parents should focus on their role in realizing children's rights - integrating parental rights within a paramountcy of children's rights. The Commissioner was also perceived to play a crucial role in providing a platform for professionals to meet and develop strategies together. One organisation suggested that dedicated personnel in each geographical area would help fulfill this task.

Respondents noted the importance of communication systems (including child-friendly media campaigns) which ensure that all children and young people, parents/carers, and relevant agencies are fully aware of NICCY's roles and responsibilities.

Effective operation is obviously dependent on prioritizing areas of work:

"The magnitude of NICCY's task requires some system of prioritisation to ensure that serious breaches of children's rights are given an appropriate and timely response" (Vol)

"NICCY should articulate its priorities within a transparent process which is sensitive to local culture and reflects pragmatism and achievability, with an emphasis on promoting the interests of vulnerable children" (Stat)

Transparency was considered vital in ensuring clarity about what NICCY does, how, and why.

Key concerns

Key concerns relating to the different elements of NICCY's work included:

NICCY research

- why research is commissioned
- ensuring consultation with the most disadvantaged/vulnerable/excluded children and young people
- timescales
- disseminated of reports to a wide audience

NICCY Advisory Groups

- criteria for membership selection/invitation
- terms of reference
- status
- representation of parents

NICCY Working Groups

- how they are established
- how they consult over key issues

Service Reviews

- strategic criteria for choosing topics – current emphasis seemed to reflect: experience of appointed staff, number of complaints received (which advantages areas with a strong lobbying contingent), number of responses to SHOUT campaign (a form of consultation in which some issues were less likely to be raised, eg youth justice), or ‘popular’ issues (such as bullying)
- process for: selecting participants, analysing data collected, disseminating implications for policy and practice to both statutory and voluntary sectors
- potential overlap between NICCY and others with responsibility for conducting service reviews, such as Inspectorate

Complaints

- data about age/gender/location/legal status, etc of those making complaints to determine *who* is making complaints
- focus of complaints - how issues being complained about relate to the QUB research, which highlighted the issues of significance for children and young people but about which they are unlikely to take complaints
- ensuring that other avenues had been explored prior to NICCY becoming involved

Investigations

- link between case work and investigative functions – whether issues arising from case work inform strategic decisions about ‘test’ cases aimed at changing the law/policy/practice

NICCY Consultation Responses

- evidence used to support NICCY positions/recommendations in consultation responses
- consultation with other organisations, children, young people and parents/carers in preparation of responses
- over-reliance on consultation with NICCY Youth Panel (as representatives of ‘children and young people’) by both NICCY and other agencies – need to consult with children and young people directly affected by policies and practice, including specific groups where appropriate.

An issue raised by the voluntary sector was that NICCY had not been proactive in working with voluntary/community agencies. Those working with vulnerable, at risk and socially excluded children and young people (who are unlikely to have access to technology, opportunities and/or the 'know how' to access the web or the NICCY office in Belfast) could enable NICCY to engage with 'hard to reach' groups. NGOs could support NICCY in gathering statistics and information about children and young people in NI. They could also increase knowledge and understanding of NICCY's work through regular exchange of information about research findings, key issues arising from case work, service reviews and their implications for policy/practice (eg via updates, briefings, email notices as well as meetings and dissemination of information available on NICCY website/leaflets).

Issues relating to the Order

Specific issues relating to *The Commissioner for Children and Young People (Northern Ireland) Order 2003* included:

- How the Commissioner makes direct contact with the most vulnerable and disadvantaged children (including those in care or detention, refugee and migrant children, BME children, children with disabilities or additional needs) (A7: 5)
- How the Commissioner can promote participation within government departments – ensuring that consultation processes are properly conducted (with sufficient time to consult with those likely to be affected, in a manner appropriate to their ages and abilities) and challenging departments which do not operate appropriately (A7: 1)
- How the Commissioner assesses whether the Secretary of State, the Executive Committee of the Assembly, or relevant authorities have paid due regard to her/his advice (A7: 4)
- Criteria used by the Commissioner to satisfy her/himself that a case raises a question of principle and therefore requires her/him to bring proceedings or intervene in proceedings (A14: 3a)
- Baseline information against which to 'measure' progress in compliance with, or implementation of, the Order, the UNCRC and other human rights instruments (A7: 2; Schedule 2, A12)
- How the Commissioner can assess effectiveness (A24: 4) and the outcomes of NICCY work to date (eg changes or improvements to law/policy/practice as a result of: recommendations in consultation responses or submissions, press releases, service reviews, research, complaints, investigations and legal proceedings) [see International Council on Human Rights Policy, 2005 re defining benchmarks and indicators]
- Relationship between NICCY and other organisations such as the Human Rights Commission and Equality Commission; Children's Law Centre; statutory and voluntary/community organisations (Schedule 2, A2: 2) (eg developing protocols or 'Memoranda of Understanding' outlining

respective roles, criteria for work, agreed practice and ways of working; establishing forums, consortia or coalitions for sharing of information, discussion of key issues and relevant judgements, identification of significant themes/problem areas/potential cases, development of specific initiatives or positions).