The Childhood Policy Landscape in Northern Ireland

A case study

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1.0 Introduction

This case study explores childhood policy in Northern Ireland, focusing largely on the period since devolution in 1998. The childhood population of Northern Ireland (0-18) is estimated to be around 450,000; 25% of the total population.[1] The experiences of children in Northern Ireland over time has been significantly impacted by the conflict and its enduring legacy. Policymaking and outcomes relating to children have been shaped by three predominant factors. The first – political factors – has undoubtedly been the most definitive and has had a knock-on effect on factors relating to the broader economic context and socio-cultural dimensions. Each of these will be briefly highlighted to contexualise the case study. The Belfast Agreement of 1998 marked a critical juncture in the development of childhood policy in Northern Ireland, with the establishment of a Northern Ireland Assembly and Executive providing opportunities for nuanced and context-specific policy responses. Some of the main policy initiatives aimed at children and young people that subsequently emerged from that period will be highlighted. This will be followed by a closer look at a number of thematic policy areas, including education, care and protection, social security and youth justice. Progress across most of these has, however, been brought to a halt as a result of the current government suspension, with little indication of when service might resume. Finally, the case study will conclude with reflections on cross-cutting themes and future directions of childhood policy in Northern Ireland.

1 Northern Ireland draft Children and Young People's Strategy

2.0 Major factors driving policymaking and outcomes relating to children in Northern Ireland

2.1 Political

Northern Ireland's capacity for policymaking and self-government was bolstered by the Belfast ('Good Friday') Agreement 1998. This provided for devolution and led to the creation of the Northern Ireland Assembly.[2] The Department of Justice was later established as part of the devolution of policing and justice matters in 2010. A restructuring of government departments took place in 2016 following the 'Fresh Start' Stormont Agreement, leading to a reduction in number of departments from 12 to 9. While these developments provided significant opportunities for policy innovation, the collapse of the Assembly in January 2017 following disagreements between the two main political parties,[3] means that progress has stalled. A wide range of legislative Bills, strategies and policies impacting across children's lives remain in draft form, unable to be approved in the absence of an Executive. Attempts to restore power sharing have not been successful to date.

2.2 Economic

The conflict has meant that Northern Ireland has traditionally experienced protracted levels of economic under-investment and overreliance on the public sector. Subsequent economic growth across the region has been inconsistent. Child poverty has been a long standing issue of concern, with children the age group at highest risk of poverty, with a poverty rate of 23% compared to 17% for working age adults and 15% for 'pensioners'.[4] There have been no sustained decreases in child poverty in Northern Ireland since official poverty statistics started being collated in 2002.[5]

2.3 Socio-cultural

Segregation and community division continue to be a part of daily life and the legacy of the conflict impacts significantly on children's lives, for example, through segregated housing, schooling, intergenerational trauma, paramilitary violence against some young people, and, subsequently on policy need. Alongside this, there has been increasing recognition of the rights of children with disabilities and Traveller children. There has been a significant increase in the numbers of newcomer children with Polish and Lithuanian the most popular languages after English.

2 Excepted matters remain the responsibility of the Westminster Parliament (such as nationality, immigration or asylum).

3 The Democratic Unionist Party (DUP) and Sinn Fein.

4 Relative Poverty (After Housing Costs) in 2017-18. Department for Communities (April 2019), 'Poverty Bulletin: Northern Ireland 2017/18', (Belfast: DFC).

5 NICCY (June 2018), 'Statement on Children's Rights in Northern Ireland', (Belfast: NICCY),

3.0 Overview of the key policy initiatives relating to children in Northern Ireland

3.1 Commissioner for Children and Young People

A Commissioner for Children and Young People (NICCY) was established in 2003 in accordance with the provisions of the Commissioner for Children and Young People (NI) Order 2003. The Commissioner's principal aim is to 'safeguard and promote the rights and best interests of children and young persons'. NICCY has duties 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. This includes those up to the age of 18, or up to 21 for those with a disability, or who have experience of being in care.

3.2 Children and Young People's Strategy

A Ten Year Children and Young People's Strategy 2006-2016 was launched in 2006. The Strategy was based on an outcomes framework; specifically, that progress is being made when children are: healthy; enjoying, learning and achieving; living in safety with stability; experiencing economic and environmental well-being; contributing positively to community and society; and living in a society that respects their rights. The last Action Plan for the 2006-2016 Strategy ended in April 2011. A consultation was issued on an updated Children and Young People's Strategy 2017-2027 in December 2016. The suspension of the NI Assembly means this remains in draft form.

3.3 Children's Services Co-operation Act

The Children's Co-Operation Act was adopted in December 2015. This places a statutory duty on all government departments and public bodies to co-operate in the delivery of children's services with the aim of improving children and young people's well-being. It also requires the Executive to develop and adopt a Strategy which delivers on the stated outcomes for improving the lives of children and young people and specifies that children and young people must be consulted in the development of the Strategy.

3.4 Child Poverty Strategy

The NI Executive published its revised Child Poverty Strategy in March 2016.[6] Its aim is to reduce the number of children in poverty and reduce the impact of poverty on children. The Strategy focuses on four high level outcomes: families experience economic well-being; children in poverty learn and achieve; children in poverty are healthy; and children in poverty live in safe, secure and stable environments. An Annual Report on the Strategy is laid before the Assembly each year.

6 This replaced the 2011 Child Poverty Strategy.

4.0 Key themes and trends in policymaking concerning children in Northern Ireland

4.1 Education

There are two distinctive themes in education in NI: one is religious segregation and the other is academic selection.[7] The education system has developed along denominational lines with Catholic maintained (normally attended and staffed by Catholics) and controlled schools (normally attended and staffed by Protestants), as well as integrated and 'other maintained' schools (e.g. Irish-medium schools). The maintenance of a selective secondary and grammar school system continues to be a key area of contention. While the Department of Education no longer officially supports academic selection, legislation addressing this requires cross-party support which has not been possible to date. Currently, an unregulated transfer test system exists via two private testing bodies representing two consortiums of grammar schools which require children to undertake entrance tests to determine admission. The tests taken, by and large, reflect the child/family's religious denomination.

There have also been developments relating to distinctive types of schools in Northern Ireland. For example, 'Sharing Works – A Policy for Shared Education' (2015) seeks to develop a sustained provision of opportunities for children and young people from different community, as well as social and economic, backgrounds to learn together. This has been bolstered by the Shared Education Act (NI) 2016 which provides a definition of the core minimum requirements of Shared Education.

Other policy developments have emerged in recent years focusing on school improvement and sustainability, prompted by, the Review of Public Administration (RPA),[8] an identified need for better strategic planning, demographic changes, variations in literacy and numeracy levels across the system; and the need for a more relevant curriculum and development of transferable skills.[9]

4.1.1 Special Educational Needs

The number of children registered with SEN continues to grow year on year with approximately 23% of children having some form of special educational need.[10] Growing concerns with the delays in the assessment process, its complexity and increasing demand led to the development of a new SEND Framework. The SEND (NI) Act (2016) requires each child to be provided with a Personal Learning Plan, requires the EA and health and social care bodies to cooperate in identifying, assessing and providing for children with SEN, introduces new rights of appeal, establishes an independent mediation service, and provides rights to young people with SEN who are over compulsory school age.

7 Northern Ireland is also noted for having the lowest school starting age in Europe (children aged four on the previous July).

8 The Review of Public Administration launched in June 2002 with the aim of streamlining the size and shape of the public sector in NI.

9 These include the Department's 'Schools for the Future: A Policy for Sustainable School's; and Every School a Good School: A Policy for School Improvement.

10 Department of Education School Enrolment Data, 2017/18.

4.1.2 Newcomer Children

In response to the growing numbers of newcomer children, the Department of Education commenced a review of its 2009 policy in 2017, involving a range of stakeholders, to gather evidence of the effectiveness of current support arrangements.[11] This has formed the basis of a public consultation paper on 'Supporting Newcomer Pupils', launched in June 2019, setting out potential options for change in relation to categorisation of newcomer pupils and allocation of funding.

4.1.3 Youth Services

The overarching policy framework for Youth Services is set out in the 'Priorities for Youth: Improving Young People's Lives Through Youth Work' (2013) document. This provides the strategic direction and overall framework for the delivery of the Department of Education funded youth services. It sets out five key priorities: raising standards for all; increasing access and equality; developing the non-formal education workforce; improving the non-formal learning environment; and transforming the governance and management of non-formal education. The Regional Youth Development Plan 2017-20 was published in October 2018 and is aimed at responding to assessed need and focused on outcomes to address the actions identified in the Priorities document.

4.2 Social Security

Social security is a devolved matter in Northern Ireland, but the system is closely modelled on that in England and Wales.[12] Nonetheless, important differences apply to working age benefits and impact on claimants' children. As in Great Britain, universal credit is replacing most means tested benefits in Northern Ireland. However, payment arrangements differ to England and Wales. Most claimants receive two payments per month and housing costs are normally paid to the landlord. Social tenants in receipt of housing benefit or universal credit are not normally penalised if they have more bedrooms than their family size requires. None of these features exclusively benefit claimants with children, but many of the beneficiaries have children. In contrast to the rest of the UK, the benefit cap of £20,000 per year does not apply to families with children since supplementary payment may be made to a claimant with dependent children whose Housing Benefit is reduced as a result of the household benefit cap. An equivalent administrative payment is available to Universal Credit claimants in the same position. The supplementary payment is equal to the reduction of benefit applied as a result of the cap, so in effect the cap does not apply to households with children.[13] Distinctive payment arrangements for universal credit will continue indefinitely, but supplementary payments in the form of welfare reform mitigations are scheduled to end in March 2020 and there is uncertainty about whether these will be renewed or replaced.[14]

11 It is estimated that there are currently over 16,000 Newcomer pupils enrolled in NI schools, 4.4% of total school enrolments (School Census 2018) and that this is increasing by 1000 each year (DE 2019).

12 Simpson, M. 'Developing constitutional principles through firefighting: social security parity in Northern Ireland (2015) 22(1) Journal of Social Security Law 31

13 Simpson, M. and Patrick, R. Universal credit in Northern Ireland: interim report (Belfast: Ulster Law Clinic, 2019)

14 Advice NI, Housing Rights and Law Centre NI, Welfare reform mitigations on a cliff edge (Belfast: Advice NI/Housing Rights/ Law Centre NI, 2018)

4.3 Care and Protection

The Children (NI) Order 1995 imposes a general duty on Health and Social Care Trusts to provide support to children in their localities by providing services to their families.[15] A 2014 report by the NI Human Rights Commission found that in practice a number of the provisions of the 1995 Order are not complied with. For example, while the Order requires health and social care authorities to compile registers of children with disabilities, these are not currently being produced. The 1995 Order also requires an annual general report on the operation of the Order "to be prepared and laid before the Assembly". However, although regular statistics are compiled, this statutory requirement has not been fulfilled, reducing the available data and information for analysis of the 1995 Order. More broadly, there are concerns at the disparity between adoption legislation in NI and the rest of the UK and that the Adoption (NI) Order 1987 is outdated. While draft proposals have been produced in the form of the Adoption and Children Bill, this has been significantly delayed.[16]

4.4 Youth Justice

Northern Ireland's unique context has shaped the development of responses to young people in conflict with the law.[17] A review of the criminal justice system in 2000 made a number of recommendations, including that restorative practices should form the basis of responses to young people in conflict with the law, humans rights principles should be prioritised and the youth justice system (YJS) should pay particular regard to the 'the best interest of child as a primary consideration'.[18] The Justice (NI) Acts of 2002 and 2004 enacted many of the recommendations and the Youth Justice Agency was established with overall responsibility for youth justice, including the management of the one custodial site for girls and boys aged 10-17. The legislation established a commitment to non-custodial options and restorative justice was formalised by integrating youth conferences – either diversionary or court-ordered – into the YJS. A review of the YJS in 2011 published 31 recommendations,[19] and while some progress is noted, such as the introduction in 2015 of the 'best interest' principle as a core aim of the YJS, 41% of the recommendations remain unattained, including raising the minimum age of criminal responsibility which remains at 10. The 'loss of momentum', budget cuts and 'lack of political consensus' are highlighted as significant barriers to implementing the Review's recommendations.[20]

A scoping study launched in 2015 aimed to simplify the YJS and develop effective, tailored interventions to improve outcomes for children and young people across the system.[21] Work to take forward its recommendations was underway when the Assembly suspended in January 2017.

15 Northern Ireland is geographically divided into five Health and Social Care Trusts

16 In 2006, the Department set out a range of proposals for adoption reform. The Adoption and Children Bill reflects this commitment

17 Haydon, D. and McAlister, S. (2015) 'Young people, crime and justice in Northern Ireland' in McAlinden, A.M. & Dwyer, C. (eds) Criminal Justice in Transition: The Northern Ireland Context. Oxford: Hart Publishing, pp.301-320.

18 Criminal Justice Review Group (CRG) (2000) Review of the Criminal Justice System in Northern Ireland, Belfast: HMSO.

19 Youth Justice Review Team (2011) A Review of the Youth Justice System in Northern Ireland. Belfast: DoJ.

20 CJINI (2015) Monitoring of Progress on Implementation of the Youth Justice Review Recommendations. Belfast: CJINI.

21 NIAO (2018) Managing Children who Offend. Belfast: NIAO.

5.0 Reflections on the future direction of childhood policymaking in Northern Ireland

While a clear suite of policies and legislation relating to childhood have been adopted, concerns abound at the number of strategies or policies that remain in draft form due to the suspension of the NI Assembly, and at the implementation, monitoring and financing of those strategies, policies and legislation already in place. The suspension of the Assembly means that no budget can be locally agreed, with the Northern Ireland Office (NIO) taking the lead on the Northern Ireland Budget process in the interim. There have been some innovative developments – for example, the adoption of the Children's Services Co-operation Act; however, it is too early to assess its effectiveness. Co-operation is a critical theme and requirement across childhood policy and it is rare to find a policy area that will not have an impact on some other aspect of children's lives. There has also been substantive progress in the development of an overarching Children's Strategy, and in particular the emphasis that is increasingly given to children's views and children's rights.

What is also clear is the much greater emphasis across policy areas on children as human beings rather than simply human becomings or future beings. This is reflected in the extent to which policies and strategies are focusing on both short and long-term outcomes for children as well as explicit emphasis on children living in a society that respects their rights as children. Children and young people are also increasingly becoming involved in policy consultation processes. While this does not necessarily automatically translate to their views being acted upon or taken seriously, it does indicate a willingness to, at the very least, begin and learn from that process.

It is likely that future childhood policy in Northern Ireland will remain heavily contingent on political factors. In the event devolution is restored, focus will no doubt return to implementation and monitoring of existing initiatives and facilitating the adoption of those currently in draft form. The latter will likely require updating in response to ever-changing economic and socio-cultural factors.

6.0 Conclusion

Childhood policy in Northern Ireland is, in many ways, distinctive from the rest of the UK. This is largely due to overarching issues of governance, the legacy of the conflict, which has led to a particular set of circumstances in which children and young people live, learn and play, and resulting diverse institutional structures. This has meant that childhood policy – like policy generally in Northern Ireland – has tended to lag behind the rest of the UK.

Devolution has, however, allowed for a clear body of childhood policy to emerge. More recently, there have been clear moves to engage with children and young people themselves in the process of policy development. In moving forward, it is hoped that the significant progress that has been made can continue so that the current generation of children and young people do not lose out.

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