



Response to

DARD Disability Action Plan 2015-2017

Introduction

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

CiNI represents the interests of its 160 member organisations providing policy, information, training and participation support services to members in their direct work with and for children and young people. CiNI membership also includes colleagues in the children's statutory sector recognising that the best outcomes for children and young people are increasingly achieved working in partnership with all those who are committed to improving the lives of children and young people in NI.

Children in Northern Ireland co-chair the Children with Disabilities Strategic Alliance (CDSA) alongside Disability Action (DA) which brings together 26 organisations from across the children's sector and the disability sector. CDSA wants to ensure that policy impacting on the lives of children and young people with disabilities is informed by their needs and circumstances.

CiNI welcomes this opportunity to provide some feedback and commentary on this draft Action Plan. We trust that our comments will be positively used to inform the next step in the consultation process.

Action 1: Measures to promote positive attitudes towards disabled people and encourage participation by disabled people in public life

We acknowledge the good work being undertaken by the Department and welcome the training needs which have been identified. However, we are a little disappointed that a separate training session on the UN Convention on the Rights of Persons with Disabilities (UNCRPD) has been omitted from this section. UNCRPD took effect on 3rd May 2008, and ratified by some 25 countries including the United Kingdom. The UNCRPD expressly recognises the equality of persons with disabilities for the first time in international law. We ask that this action is revised to include specific training for all

staff in this area. We would also ask that the Department identifies the links between and the complementary aspects of the UN Convention on the Rights of the Child (UNCRC) and UNCRPD. These both must be placed at the heart of policy making to ensure the needs and rights of children with disabilities are safeguarded.

Action 2: Measures to promote positive attitudes towards disabled people and encourage participation by disabled people in public life & Action 3: Consultation and Engagement

Each disabled young person should have access to the information and advice they need to enable them to reach their potential and look forward to their future with confidence. This support should encompass the needs of the whole child and enhance their connections with local activities, facilities and services, as well as increasing their involvement and inclusion in the local community. Article 24 of UNCRPD and Article 12 of UNCRC sets out the principles of child participation, we firmly advocate for children with disabilities to have the right to express their views on all matters of concern to them including decisions affecting their lives. UNCRPD sets out an explicit obligation to provide children with disabilities age-appropriate assistance to enable them to exercise their right to be heard. We would welcome an action within this section a commitment to ensure that children and young people with disabilities will have their voices heard. It is important that DARD demonstrate a practice of inclusivity and genuinely encourage the active participation of all disabled children and young people.

We very much welcome the action to 'provide information that is easy to access and understand'. Children and young people comprise 27% of the population in Northern Ireland and are service users. Given the impact of policies on their lives it is important that child friendly versions of information are made available. This will be central to ensuring children and young people with disabilities are given the same access to information as adults.

In relation to consultation we would highlight the Ask First principles which were endorsed by OFMDFM. The principles are underpinned and informed by the UNCRC and Section 75 of the Northern Ireland Act (1998). Ask First principles are the Northern Ireland standards for children and young people's participation in public decision

making. The standards were developed by the Participation Network to assist public authorities to establish effective direct engagement with children and young people. The standards set out the various elements, which together, ensure that the involvement of children and young people in public decision making is both meaningful for them, and effective for the public authority with whom they are engaged.

Consultation with children who have disabilities is essential not only in ensuring compliance with Section 75, but also in ensuring the Government's compliance with Article 12 of the UNCRC, one of the principles of the UNCRC - Respect for the views of the Child. In examining the government's compliance with Article 12, the UNCRC Committee recommended that the government,

"...take further steps to promote, facilitate and monitor systematic, meaningful and effective participation of all groups of children in society."^[1]

Also, the Equality Commission's, *"Guidance for Implementing Section 75 of the Northern Ireland Act 1998"*^[2] states that consultation should take place in accordance with its stated Guiding Principles on Consultation,

"...specific consideration is given to how best to communicate information to children and young people..."^[3]

We welcome additional actions to ensure child friendly accessible information and consultation with children and young people with disabilities.

^[1]Para 30 CRC/C/15/Add.188

^[2] April 2010

^[3]Chapter 7

Ensure DARD display positive imagery of people with disabilities

Children in Northern Ireland welcomes this measure, again we ask that it also includes positive imagery of children and young people with disabilities. We also recommend that the website is accessible to children and young people with disabilities and ask that a combination of communication methods are utilised.

Other comments: Data collection

The Department must develop and implement gathering systems that allows for the collation and monitoring of disaggregated data on all aspects of the lives of children and young people with a disability. Such data would allow for a comprehensive assessment of the level and extent of inequalities faced by children with disabilities.

We remind DARD of obligations under Article 31 of the UNCRC (Statistics and data collection) which states that countries must collect information about people with disabilities, with the active involvement of people with disabilities; so that they can better understand the barriers they experience and ensure full implementation of the UNCRC. The UN Committee in General Comment No 9 (2006) The Rights of Children with Disabilities indicated that it is necessary for State parties to “set up and develop data gathering mechanisms, which are accurate, standardized and allow disaggregation, and which reflect the actual situation of children with disabilities.” (Para 19)

In terms of reporting we recommend a comment within the Action Plan as to how disaggregated data will be collected and who will be accountable for monitoring and how often the data will be collected.

The UN Committee on the Rights of the Child has commented on data collection in relation to children and expressed concern at the absence of a nationwide mechanism to collect and analyse data on the areas covered by the UNCRC.

In its 2002 Concluding Observations and Recommendations relating to GB and NI implementation of the Convention, the Committee recommended that Government

“establish a nationwide system whereby data on all persons under 18 years for all areas covered by the Convention, including the most vulnerable groups, and that these data are used to assess progress and design policies to implement the Convention. The Committee encourages development of regular reports in England, Northern Ireland, Scotland and Wales and for the whole State Party and the promotion of wide public and parliamentary debate on them in the UK and Scottish Parliaments and in the National Assemblies for Northern Ireland and Wales.”¹

The Committee on the Rights of the Child commenting on implementation of the Convention has made specific reference to data collection and analysis and development of indicators stating:

“Collection of sufficient and reliable data on children, disaggregated to enable identification of discrimination and/or disparities in the realisation of rights, is an essential part of implementation. The Committee reminds State parties that data collection needs to extend over the whole period of childhood, up to the age of 18 years. It also needs to be co-ordinated throughout the jurisdiction, ensuring nationally applicable indicators ... it is essential not merely to establish effective systems for data collection, but to ensure that the data collected are evaluated and used to assess progress in implementation, to identify problems and to inform all policy development for children. Evaluation requires development of indicators related to all rights guaranteed by the Convention”².

The Equality Commission highlighted the need for robust data;

“The availability of robust data, information and statistics to the State, the independent monitoring body, society and crucially disabled people and their representatives is central to evidence-based policy making and to an effective monitoring process under Article 33 UNCRPD. However currently these statistics rarely provide the range of information required by the UNCRPD and/or are not generally accessible to disabled people and their representatives.”³

¹ UN Committee on the Rights of the Child (2002) Concluding Observations: UK GB and NI CRC/C/15/Add.188

² UN Committee on the Rights of the Child General Comment No. 5 (2003) General measures of implementation of the Convention on the Rights of the Child, CRC/GC/2003/5

³ <http://www.equalityni.org/archive/pdf/UNCRPDFullReportFINAL260112.pdf>

It further describes existing data as being unsuitable for policy development and monitoring:

“Article 31 is clear in that it is the responsibility of the State to undertake to collect appropriate information and to ensure the dissemination of statistics in a format that is accessible to persons with disabilities and others. Some studies do exist and further data continues to be gathered from sources such as the 2011 Census. This data clarifies the background in which the UNCRPD will operate, but it does not specifically support policy development and monitoring in a form required for the implementation of the UNCRPD.”⁴

In its report, ‘Barriers to Effective Government Delivery for Children,’⁵ NICCY stated that

“Existing data is not always sufficiently disaggregated and insufficient data exists in respect of vulnerable and marginalised groups of children. There is a limited amount of qualitative research conducted on the experiences of children and young people. The lack of good quality baseline data in some instances can make meaningful assessment of progress against the strategies, policies and action plans particularly problematic.”

Conclusion

Children in Northern Ireland welcome the opportunity to respond to this draft action plan.

We firmly believe that this Plan must place UNCRC and UNCRPD at its heart. The Department must recognise the importance of ensuring the rights of children and young people with disabilities are incorporated within the action measures.

Article 24 of UNCRPD and Article 12 of UNCRC sets out the principles of child participation, CiNI advocates for children with disabilities to have the right to express their views on all matters of concern to them including decisions affecting their lives. UNCRPD sets out an explicit obligation to provide children with disabilities age-appropriate assistance to enable them to exercise their right to be heard. We ask that

⁴ <http://www.equalityni.org/archive/pdf/UNCRPDFullReportFINAL260112.pdf>

⁵ [http://www.niccy.org/uploaded_docs/2011/Publications/QUB%20Barriers%20Report%20-%203%20Nov%2011%20\(body%20pages\).pdf](http://www.niccy.org/uploaded_docs/2011/Publications/QUB%20Barriers%20Report%20-%203%20Nov%2011%20(body%20pages).pdf)

the Department ensures that children and young people are engaged fully with this action plan and uphold their right to be heard.

Children and young people with disabilities are largely invisible in many strategic policy initiatives. They tend to fall between disability services and children's services and therefore their unique and specific circumstances and needs as children with disabilities are often overlooked. This can result in children with disabilities and their families becoming invisible when key decisions are made about establishing the need for, planning and delivering services, including public services. We would like to see DARD co-operating and working jointly on this action plan with other departments, particularly OFMDFM who are responsible for the Disability Strategy to ensure positive outcomes for all children and young people with disabilities, giving explicit consideration to their particular needs.

We hope our comments will help improve this action plan, we are happy to discuss the contents of this response.

Ellen Finlay, Policy Officer

Children in Northern Ireland (CiNI)

Unit 9, 40 Montgomery Road

Belfast BT6 9HL

Tel: 028 9040 1290

Fax: 028 9070 9418

Email: info@ci-ni.org.uk