



**Response to ECNI Let's Talk: Let's Listen. Draft Guidance
for Public Authorities on Consulting with Children and
Young People**

August 2007

Introduction

Include Youth promotes best practice with young people in need or at risk. We achieve this through the development and promotion of resources, the provision of training, information and support of practitioners and organisations. We also undertake activities aimed at influencing public policy and public awareness - locally and nationally.

Include Youth promotes the development of positive choices and opportunities for vulnerable and challenging young people in the community, residential care or custody. Include Youth promotes the use of community alternatives to care and custody for children and young people.

Amongst the young people at risk with whom, and on whose behalf, Include Youth works are young people from socially disadvantaged areas, those with a learning disability, those with special needs, those who have been truanting, suspended or expelled from school, those from a care background, those who have had a negative parenting experience, young people who have committed or are at risk of committing crime, misusing drugs or alcohol, undertaking unsafe sexual behaviour or other harmful activities, or of being harmed themselves.

Include Youth runs the Young Voices project, which is a participation project for young people who have been involved or are at risk of becoming involved in the criminal justice system, with the aim of supporting these young people to become involved in decision-making processes which impact upon their lives. Currently the Young Voices project supports young people in two groups – one drawing its members from the Greater Belfast area, and the second based in the Juvenile Justice Centre, Bangor.

Include Youth runs the YOYO Practitioners Forum, which draws together professionals from a range of statutory, voluntary and community organisations working directly with young people in need or at risk, and meets on a quarterly basis.

Include Youth's Give and Take Scheme is a unique service provision for vulnerable young people across Northern Ireland. The scheme aims to improve the employability and increase the self esteem and confidence of the most marginalised young people in our society.

General Comments

Include Youth very much welcomes the publication of the ECNI Let's Talk: Let's Listen, Draft Guidance for Public Authorities on Consulting with Children and Young People, and is pleased to have the opportunity to make this submission to the Equality Commission for Northern Ireland. This is an extremely important initiative which has the potential to have an enormous positive impact on the lives of children and young people, as it will be an essential resource in promoting and enabling public authorities to fulfil their section 75 statutory duty. It is therefore essential that we get it right, and Include Youth is committed to working in partnership with all stakeholders to ensure that the participation rights of all children in Northern Ireland are promoted and safeguarded.

In the course of preparing our response to the consultation, our Young Voices project conducted a consultation exercise with a group of young people currently detained at Woodlands Juvenile Justice Centre. In addition, we facilitated VSB to conduct a Focus Group involving young people from our Give and Take Scheme. We have highlighted their comments throughout this response.

Young Voices Evaluation

Our Young Voices participation project has recently been the subject of a very successful Evaluation, a copy of which we have enclosed for your information, together with a Summary and Recommendations Document. As you will see, the Evaluation demonstrates that it is possible to engage and enable the active participation of young people at risk, particularly those with experience of the criminal justice system, in public consultation initiatives, with very positive results.

The Evaluation assessed the Young Voices project performance against five key Project Objectives;

Objective 1: To increase the capacity of the Young Voices Group to effectively engage with a number of public policy developments

Objective 2: Enhance the development of Include Youth's own policy work

Objective 3: Demonstrate to public bodies and other organisations the benefits of engagement

Objective 4: Produce, promote and disseminate a model of engagement producing a transferable model of practice for consulting young people at risk

Objective 5: Contribute to the development of mechanisms to link organisations needing to consult young people on policy development, with those young people in a permanent but flexible structure.

The Evaluation has found that the Young Voices delivered on all five objectives, and recommended further consolidation and expansion of the project. It identified Benefits and Barriers of engagement for organisations, and Principles for Engagement, both of which we believe will be helpful in the context of the current ECNI Consultation on draft Guidance.

We have also included here a number of comments from young people involved in Young Voices and public authorities who have engaged with the Project which are contained in the Evaluation:

- *'People never listen to me – that's what makes this different is that people in here listened to me and take on my views and asked me about why I did the things I did.'* Young Voices participant, page 24
- *'Because of my experience of court and custody you are seen as wee hoods and get labelled or judged – the workshop on how to change this image was good and we have tried to change things for the better.'* Young Voices participant, page 16

- *'It has been extremely important to provide this group of marginalised young people with input into the policy and legislative process – their rights are at most risk of being denied and they are least likely to be asked for their opinions.'* Agency Representative, page 16
- *'Consultation with young people is often an add-on – the unique service that Young Voices provides is good – they are dedicated to getting views and opinions and influencing policy development.'* Agency Representative, Page 24
- *'Before contact with the likes of Young Voices, we tapped into some groups in schools, community based groups etc. and the make up of these groups would vary – the Young Voices model gives us the opportunity to engage with the most hard to reach young people.'* Agency Representative, page 26
- *'The reality is that you would never hear the views and opinions of these young people unless they are encouraged and supported through projects like this.'* Agency Representative, Page 24

Comments on draft Guidance

We have outlined below a number of issues arising in respect of the Draft Guidance for Public Authorities on Consulting with Children and Young People, and we hope that you find the submission from Include Youth helpful in your deliberations to produce a robust and comprehensive piece of Guidance.

1. Introduction

Paragraph 1.7

Include Youth notes that questionnaires have been circulated to 'young offenders as well as those at risk and young people in care.' We wish to state that young people involved in offending behaviour are actually deemed as children in need and at risk under the terms of both domestic legislation and international children's rights standards. We strongly recommend that the terminology 'young offender' is inappropriate and serves to reinforce negative stereotyping of these vulnerable and challenging young people, and we recommend that the term 'young offenders' be removed from the document and replaced with 'young people involved in offending behaviour'.

2. What is meant by consultation

We welcome this section of the Guidance which seeks to define both engagement and active participation, both of which are essential to public bodies effectively discharging their section 75 duty to consult with children and young people. However, we would like to see in both these sections, reference made to the fact that public bodies must seek to consult, engage with and enable the active participation of marginalised and hard to reach children and young people; and a commitment to adopting the necessary approaches required to properly fulfil this obligation. In particular, we wish to ensure that attention is drawn throughout the document to the reality that formal structures such as Working Groups, Advisory Groups, Standing Fora – all of which were mentioned by ECNI staff at the public consultation held at Equality House – may not be the appropriate mechanisms to engage with

marginalised young people. For example, we note at paragraph 2.10 that ‘there should be a willingness on the part of public authorities to invite children and young people to engage with them at a more formalised and strategic level...’ Whilst this openness on the part of public authorities to engage in formalised and strategic level is important, Include Youth’s experience through our Young Voices project is that strategic engagement can actually be very powerfully achieved through informal means. It is essential that public authorities take the initiative and reach out to children and young people, and engage with them ‘where they are at’ and are comfortable, confident and supported to give their views. The Children and Young People’s Unit’s consultation to inform its Submission to the UK Government Report to the UN Committee on the Rights of the Child earlier in 2007, in anticipation of its pending Examination, is a very positive example of how this strategic work was undertaken in an informal and responsive way which proved to be a very positive experience for both young people and CYPU Representatives.

3. Identifying impact of policies on children and young people

We note the list of potential sources of information listed at paragraph 3.2 to assist in determining potential impact; however, we wish to highlight the lack of evidence which exists in relation to many aspects of the lives of children and young people in Northern Ireland. It is essential that explicit reference is made within the Guidance of public authorities’ obligation to collect disaggregated data as part of their section 75 duty in order to assist government measure impact and monitor progress. This will also bring the document into line with the ECNI’s recent Monitoring Guidance, which also identifies the need for gathering of disaggregated data.

4. Effective consultation with children and young people: barriers and solutions

Include Youth welcomes this section of the Guidance which sets out potential barriers to young people’s participation, and we believe that this will prove to be a very useful tool for public bodies in determining how best to consult with children and young people. However, we believe that each of the sub-sections at paragraph 4.1 identifying barriers should be followed by suggestions / examples of good practice around how to overcome said barriers. We believe that this would make the Guidance a more practically beneficial tool for public authorities seeking to properly discharge their duty under section 75. In particular, we believe that there needs to be greater emphasis throughout the document on how to effectively overcome barriers to engaging marginalised and hard to reach children and young people. The Young Voices Evaluation which we have enclosed, we submit provides public authorities with some very positive and practical examples of how to overcome barriers and develop positive and meaningful engagement with marginalised children and young people.

Figure1: Planning Effective Consultation

Include Youth welcomes this step-by-step guide as a useful and practical tool for public authorities, however, we believe the issue of competency among public authority staff members must be expressly factored into this planning process. We recommend that following a thorough training needs analysis, a comprehensive and on-going programme of training be put in place for relevant staff. We believe that the Participation Network could have an important role to play in this regard. In addition, we believe that this Planning Flow-Chart should more comprehensively cross-reference with the barriers / preferred consultation methods. Finally, we believe that

all consultation exercises should include a feedback stage and also be fully evaluated at different stages, in order that lessons can be learnt and practice developed and improved.

Methods of Consultation preferred by Children and Young People

We welcome this section which gives consideration to methods of consultation preferred by young people. We believe that it is important that the Guidance should expressly state at the top of paragraph 4.3 that list of preferred options is not a definitive nor exhaustive list. In particular, our experience of engaging with young people who have experience of the criminal justice system through Young Voices has demonstrated that a range of both formal and informal methods are necessary, and different approaches will work depending on the individual young person or group of young people involved.

Young Voices Consultation on draft Guidance

We asked young people involved in the Young Voices project – some based in the community and others detained at Woodlands Juvenile Justice Centre - to comment on the current list of preferred methods which were drawn from findings of the original scoping exercise. We have included their views below:

Questionnaires

- Not a good idea
- They're boring
- What about some young people who can't read or write
- They only give you the chance to answer questions that are in the questionnaire – what about if you want to talk about other more important issues? They'll be missed out.
- How would you be sure they would take questionnaires seriously – sure they could just rip them up and throw them in the bin and who would know.

Face to Face Interviews:

- Better than questionnaires
- Aye, I'd be ok with that.
- It'd be good cos it would be in private – other people wouldn't get to hear what you said.
- Depends what it's about – I'd only do it if it was about something to help me.
- But some young people can be shy and don't talk in groups
- Need to be sure that our views are brought back to the right people afterwards, otherwise there's no point

Discussion groups

- It depends where it was – I wouldn't f***** do it in school – all I wanted to do there was get through the day then get the f*** out. In here [JJC] you might as well though – there's f*** all else to do.
- Small groups, aye, cos you'd be freer to talk – about 4-6 people

Should these discussion groups be young people led?

- They should have a certain number of young people on them – then some, maybe two, responsible adults. But the young people should get to pick them.
- Could be good but would depend on who the leader was

Young Peoples Forum

- Good for schools, prison, JJC
- I wouldn't bother; I've got better things to do.

- You'd only do it to make yourself look good – so the judge would think better of you.
- Same as I said earlier though – I'd only want to do it if it was gonna affect me, something to do with me.
- Aye would be good cos get all different opinions there.
- But it would probably be the same sort of people who'll be on them
- It's difficult for people who are different to be involved, like pregnant or have a child, have been in jail or in a children's home.

Video conferencing

- Its ok, it might work
- I'd try it once and if it was any good I'd go back

Internet chat rooms

- You couldn't do it in here [JJC] – you're not allowed to use the internet
- It'd be interesting – you know to hear about what the craic is about something and hear what other people had to say.
- Good cos it's anonymous
- Yeah, you could really say what you think
- But how could you be sure it wouldn't be full of paedophiles

Young People's Juries

- That'd be good for hearing other people's views – so older people, judges and all could hear our views. If most were the same, then they'd change the laws.
- It would probably be boring for a whole day
- Might do it if you got paid, and you got took out for nice food

Young people as researchers

- Young people listen to you more.
- And they can talk to you in your own language; understand what you're on about.

Suggestion boxes

- They'd be good to have in here – to make the place better.
- Na, they don't get listened to
- You can say what you really think cos they're anonymous

Consultation events/residentials for young people

- It'd be good to get everybody's views
- Most people wouldn't go though. You might if there was f*** all else to do
- Sounds like fun – would be good if you knew the other people in the group beforehand
- Good idea to mix business and pleasure

Focus Group

The young people who participated in the Second Phase Focus group led by VSB, also raised the following points:

- The group agreed that talking directly to young people is the best way for finding out what they think. The group agreed also that it is really important to talk to young people at the beginning, especially the young people who are most affected by whatever decision is being made.
- The majority of the group thought that you need to get people in power to meet with young people to talk to them directly. Others in the group thought that you could also ask a representative to talk to young people and relay their views to those in power.

- The group thought that it was a good idea that those discussing issues with young people have some sort of training.
- The group felt that standing panels, boards etc where young people would sit alongside adults was not a good idea – they thought that adults would not be interested in listening to what they have to say.
- The majority of the group thought that they wouldn't be interested in being part of such boards – they thought it would be quite difficult to join as a young person.
- The group agreed that it seems sometimes that those asking the questions don't really care what young people think. One participant said that young people do have things to say, but you have to just ask them what they think. Another said that sometimes people from government etc. don't want to talk to young people, but that doesn't mean they don't have things to say. One group member stated that, if you say you're going to talk to young people, you have to really mean it, and actually ask a really broad range of different young people from different backgrounds.
- The participants in the group thought that it is important to come up with some creative ideas for letting young people know about decisions made. They suggested:
 - Television (one participant suggested showing a feature on a chat show)
 - News bulletin / News Sheet
 - Through magazines
 - Through a youth event e.g. concert
 - Posters
 - Directly with young people – those in power talking to young people about the issues

Practical Consideration when consulting with children and young people

Include Youth very much welcomes the inclusion of this practical section in the Guidance.

In relation to 'Support' issues, it is Include Youth's experience through the Young Voices project that marginalised young people, including those who have had experience of the criminal justice system, often require high levels of specialised support from skilled and experienced staff. We recommend that the Guidance make reference to the differing levels of support necessary to help ensure the meaningful participation of marginalised children and young people.

With regards to the 'Communications' section, we recommend that in relation to accessibility of formats young people with literacy problems are also given special consideration.

Finally in this section, we recommend that the Guidance include a commitment on the part of public authorities to communicate with children and young people consulted feedback in respect of the process, for example in the following ways: copy of any note of the consultation undertaken; what the result of the entire consultation has been; what impact the views of children and young people have had – moreover, it is equally important that the public authority communicate to children and young people when their views have not been taken on board.

Building Capacity

Include Youth agrees with ECNI that there is a critical need to build the skills and knowledge required by public authority and decision makers to enable them to effectively consult in a meaningful way with children and young people. We submit that the Participation Network is the appropriate mechanism through which this critical need can be met. We would refer you to the response of our colleagues at CINI, who provide a more in depth account of the work and remit of this Network.

We note reference to the use of Foras at paragraphs 4.16 and 4.17; whilst there may indeed be advantages to consulting with children and young people in this way, we are a little concerned that other approaches are not also included here. In addition, we suggest that the Guidance should consider the disadvantages of proceeding by way of Fora – particularly in the context of engaging marginalised children and young people – and we would draw your attention to the comments made by our Young Voices participants earlier in this response. We strongly recommend the use of more informal and responsive consultation methods, and for some such reference to other methods to be included in this paragraph.

5. Strategic planning

Include Youth welcomes the inclusion of a section within the Guidance to support public authorities to build arrangements for consultation with children and young people into the strategic planning process.

6. Confidentiality and Ethics

We note the specific reference to the careful and sympathetic approach required when consulting with children and young people on sensitive issues, including sexuality, youth justice or care. Include Youth believes that it is important that those conducting effective and meaningful consultation with children and young people with experience of youth justice, care etc must be appropriately skilled and experienced in engaging with marginalised children, who may be difficult to engage or present with challenging behaviours.

We further believe that any person conducting any public consultation exercise on behalf of a public authority must be appropriately skilled and experienced to deal with the issue of sexuality in a sensitive, appropriate and non-judgmental way. We believe that the reality of the multiple identities of children and young people should be referred to at this point; and the point made that those conducting consultations will not solely meet LGBT young people in groups specifically drawn from that sector. This gives rise to clear training issues.

Evaluation

We welcome the inclusion of the section on Evaluation, and believe that it should also be referenced at Figure 1: Planning Effective Consultation. We recommend that alternative methods of evaluating consultation processes should be considered, in direct consultation with children and young people.

Feedback

Again, we welcome the inclusion of this section on providing Feedback, and would suggest that this is also included in Figure 1: Planning Effective Consultation. In addition, we recommend at paragraph 8.5 that a commitment to provide face-to-face

feedback should be made by all public authorities who have carried out consultations in this manner. We further recommend that this section should also contain a statement outlining public authorities' duty to give due weight to the views of children and young people in accordance with article 12 of the UNCRC.

Training for Policy Makers and Decision Makers

Training is an essential component in the full implementation of this Guidance. We would again refer you to the submission made by our colleagues at CiNI in respect of the important role the Participation Network should have in relation to training of public authority personnel.

Conclusion

Include Youth welcomes the publication of the ECNI draft Guidance for Public Authorities on Consulting with Children and Young People and is pleased to have an opportunity to contribute to the consultation process. We wish to be kept fully informed of progress in the development of the consultation and look forward to the issues raised and recommendations made in this response being addressed and taken forward. We would be happy to meet with an appropriate representative from ECNI to discuss any of the issues raised in our response, and in particular we would encourage you to liaise with our Young Voices project, the only participation project in Northern Ireland which is specifically focused on working with marginalised young people who have had experience of the criminal justice system.