

Equality Commission: Response to draft Delivery plan for Indicator 10 (% care leavers who, aged 19, were in education, training or employment).

- 1.1 In January 2016, the Equality Commission (‘the Commission’) highlighted¹ priority issues and recommendations to be advanced through the Programme for Government (PfG) and Budget. In our July 2016 response to the Programme for Government Framework consultation², the Commission reiterated that the PfG, amongst other things, should include actions to:
- address educational inequalities experienced by particular Section 75 equality groups, including removing the barriers facing looked after children (LAC) in education;
 - reduce health inequalities experienced by particular Section 75 groups, including removing barriers to children and young people accessing age–appropriate health care services and addressing the specific health care needs of people with disabilities and young people’s mental health needs;
 - address employment inequalities experienced by particular Section 75 equality groups, including by supporting women’s economic participation; supporting people with disabilities to access and remain in the workplace; and ensuring that training and programmes to enable people to access and, progress in, work are accessible and inclusive for all;
 - address poverty and social exclusion experienced by a range of Section 75 equality groups.
- 1.2 In addition, our July 2016 response to the PfG Framework consultation³ made it clear that we supported the proposed inclusion of an indicator on *improve support for looked after children*, and that we welcomed the fact that the proposed lead measure tracked progress in education, as well as in training and employment.
- 1.3 The following considers the delivery plan content (version downloaded on 1 February 2017) against the key inequalities and policy priorities highlighted by the Commission in January 2016.
- 1.4 We hope that this information, in tandem with our response to the consultation on the draft PfG⁴, will be of assistance in the further development of the delivery plan.

We recommend the inclusion of additional actions to reduce inequalities experienced by Section 75 equality groups, including removing the educational barriers experienced by Looked-After Children (LAC).

- 1.5 We note the Department has indicated in the draft delivery plan, “*facilitated and empowered by the Children’s Services Cooperation Act 2015*” (CSCA), to work

¹ [ECNI \(2016\), Equality Commission recommendations for the 2016-19 Programme for Government \(PfG\) and Budget \(first published January 2016, refined May 2016\)](#) .

² ECNI (July 2016) [PfG Framework - Full Response](#)

³ ECNI (July 2016) [PfG Framework - Full Response](#)

⁴ ECNI (2016), [Response to the Executive’s consultation on a draft Programme for Government 2016-21](#)

with other Departments to implement the forthcoming *Looked after Children Strategy and Family Support Strategies*.

- 1.6 We have made it clear that we support greater partnership working and cross-departmental working in the development and delivery of the PfG and the delivery plans, as means of increasing efficiency and effectiveness in achieving the proposed outcomes; as well as full engagement and co-design with stakeholders in every stage of development and delivery⁵.
- 1.7 We therefore welcome the commitments to cross-departmental working as well as to ensure that LAC are “*given a voice by way of formal engagement mechanism, working with and through key stakeholders*”.
- 1.8 We note that the draft Children and Young People’s Strategy⁶ indicates that “*it is important that where a strategy, policy or programme within another Department impacts on the lives of children and young people, the link with this overarching Children and Young People’s Strategy is made and it is clearly demonstrated how the outcomes agreed in this Strategy are being supported elsewhere in other strategies*”.
- 1.9 We therefore recommend that the delivery plan sets out clearly how it links with the Children and Young People’s Strategy and how it will support the outcomes of that Strategy. We will be responding to the draft Children and Young People’s Strategy in due course, and we wish to see our specific PfG recommendations advanced through this and other Strategies that underpin the PfG.
- 1.10 In terms of educational attainment, we note that the draft delivery plan highlights that across all age groups, LAC “*do not attain as high grades as their peer groups*”. It also indicates that the LAC population has a significantly higher proportion of children and young people having disabilities and consequently more having a Statement of Educational needs; with 27% having special educational needs compared to 5% of the general school population (2014/15).
- 1.11 In our response to the draft PfG we made it clear that we recommended a clearer commitment to address **educational inequalities** experienced by a range of Section 75 equality groups, included removing the barriers facing LAC. We indicated that whilst there are a range of measures set out within the PfG and delivery plans which had the potential to address educational inequalities, in the main, they were not targeted at particular equality groups⁷.
- 1.12 We recommend that the delivery plan is used to target specific interventions, and to track progress across all Section 75 categories.
- 1.13 In our PfG recommendations, we have recommended specific actions to reduce educational inequalities⁸. In our draft *Statement on Key Inequalities in Education* (2015), we have also highlighted a number of key inequalities in education⁹, including those experienced by children and young people with disabilities; as summarised at <http://www.equalityni.org/KeyInequalities-Education> .

⁵ ECNI (2016), [Response to the Executive’s consultation on a draft Programme for Government 2016-21](#)

⁶ Draft [Children and Young People’s Strategy](#) (2017)

⁷ ECNI (2016), [Response to the Executive’s consultation on a draft Programme for Government 2016-21](#), p14

⁸ ECNI (September 2016) [Summary: PfG and Budget Recommendations](#)

⁹ ECNI (2015), [Draft Statement on Key Inequalities in Education \(2015\)](#)

- 1.14 In our *draft Age Equality: Policy Priorities and Recommendations* (2016)¹⁰ we recommended that the Department of Education and the Department of Health should ensure the effective participation in education of every looked- after child.
- 1.15 We noted that to assist LAC to reach their full educational attainment, the Department of Health, Social Services and Public Safety and the Department of Education, in 2011 introduced Personal Education Plans (PEP)¹¹ . However, we highlighted that in Northern Ireland not every looked-after child had a PEP and that there are inconsistencies across Northern Ireland regarding the proportions of those with PEPs¹².
- 1.16 We made it clear that it is therefore important that the Department of Education and the Department of Health work together to provide a co-ordinated and consistent approach, including via their duty within the Children’s Services Co-operation Act (Northern Ireland) 2015¹³, to ensure the effective participation in education of every looked after child¹⁴.
- 1.17 We have also highlighted concerns raised in relation to the quality of educational experiences received by children with disabilities in Northern Ireland¹⁵; in particular, concerns raised at the lack of resourcing, planning, training, participation and support¹⁶. We have also highlighted concerns in relation to the adequacy of support provided to parents with a disabled child, including the provision of respite care¹⁷.
- 1.18 We note that the draft delivery plan highlights that “*a high proportion of children already have mental health difficulties at the point of entry to care*”. It also indicates that recent research shows that behavioural and mental / emotional health problems were found to be most common health issues experienced by LAC in Northern Ireland; with nearly one third surveyed were believed to suffer from a long standing illness and disability. Further, it indicates that in 2015, 13% of LAC had a disability and 55% of these had a learning disability. We recommend that the delivery plan is used to target specific interventions to address these issues.
- 1.19 In our PfG recommendations, we have recommended actions to address **health and social care inequalities** aimed at improving health outcomes for particular

¹⁰ ECNI (2016): [Draft Age Equality: Policy Priorities and Recommendations](#)

¹¹ Role of lead departments moved from the Department of Health, Social Services and Public Safety and the new Department of Education in May 2016

¹² See ECNI (2016): [Draft Age Equality: Policy Priorities and Recommendations](#)

¹³ [Children’s Services Co-operation Act \(Northern Ireland\) 2015](#)

¹⁴ See ECNI (2016): [Draft Age Equality: Policy Priorities and Recommendations](#)

¹⁵ See IMNI CRPD (ECNI / NIHRC) 2014 [CRPD Parallel Jurisdictional Report](#)

¹⁶ Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): [Disability programmes and policies: How does Northern Ireland measure up? Monitoring Implementation \(public policy and programmes\) of the United Nations Convention on the Rights of Persons with Disabilities in Northern Ireland](#), pages 192-193 (ECNI) and [UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD Summary Report](#) (2014). A 2007 ETI report also noted particular difficulties with delay and shortcomings in the planning and assessment of children’s special educational needs in all types of pre-school provision, see ETI (2007) [Special Education Needs in the Pre-school Sector](#).

¹⁷ See IMNI CRPD (ECNI / NIHRC) 2014 [CRPD Parallel Jurisdictional Report](#)

Section 75 groups; as well as the need to identify and remove barriers to health and social care and well-being experienced by particular Section 75 categories¹⁸.

- 1.20 We have recommended actions to ensure the investment in health care to address the specific needs of equality groups, including the health care needs of people with disabilities¹⁹, and young people's mental health needs. This includes removing barriers to children and young people accessing age - appropriate health care²⁰.
- 1.21 In addition, in our draft *Age Equality: Policy Priorities and Recommendations* (2016)²¹ we have recommended that the Department of Health ensures that provisions for Child and Adolescent Mental Health Services (CAMHS) are adequate to ensure services support the mental health needs of all children and young people. We have also recommended that effective processes should be put in place to ensure the successful transition from youth to adult health services.
- 1.22 Further, we note that the draft delivery plan highlights that in 2014/15, 61% of care leavers were in education and training, 19% were unemployed, 8% were in employment and 12% were economically inactive through caring responsibilities or sickness/disabilities.
- 1.23 We recommend that the delivery plan is used to target specific interventions to address the above matters.
- 1.24 In our PfG recommendations, we have recommended actions to address **employment inequalities** experienced by particular Section 75 equality groups, including by supporting women's economic participation- including through childcare; supporting people with disabilities to access and remain in the workplace; and ensuring that training and programmes to enable people to access and, progress in, work are accessible and inclusive for all. We have also recommended that Government ensures planned actions are effective in addressing the high proportion of young people not in employment education and training – in aggregate and for specific Section 75 equality categories²².
- 1.25 We welcome the high-level commitment in the draft delivery plan to “*deliver improved outcomes for children and young people in care in key areas of their lives, including physical, mental and emotional well-being and educational attainment*”.
- 1.26 We note that there are a number of interventions planned across the areas of pre-care, in-care and after-care; including the establishment of a LAC Champion with the Education Authority; improved support for care givers; more effective regional specialist children's services; as well as to develop a range of after-care supports, including improved housing options and better access to education, training and employment. We also note that the Department is also currently consulting on

¹⁸ ECNI (September 2016) [Summary: PfG and Budget Recommendations](#)

¹⁹ For further information on the barriers to health and social care we have highlighted in relation to disabled children and young people, see IMNI CRPD (ECNI / NIHRC) 2014 [CRPD Parallel Jurisdictional Report](#)

²⁰ ECNI (2016) [Age equality: Draft policy priorities and recommendations](#)

²¹ Ibid

²² We have recommended that steps to gain skills include targeted careers advice and support for those at or approaching school leaving age. Targeted action is required in general and for those with multiple identities who may face additional barriers to training and in the labour market. *Ibid*

proposed legislative changes which it states are aimed at improving outcomes for LAC²³.

- 1.27 However there is limited detail in the draft delivery plan on how the proposed actions will address the particular inequalities we have highlighted above, as well as the barriers the Department has identified. For example, whilst there is a high level commitment to “*develop a range of after-care supports, including improved housing options and better access to education, training and employment*”, it is not clear what specific actions are proposed, or how they will be targeted to address the needs of particular Section 75 groups; for example, LAC with disabilities.
- 1.28 We therefore recommend, in the context of improving outcomes for LAC, that the delivery plan makes clear the specific additional actions it proposes to take to reduce the above noted inequalities experienced by Section 75 equality groups, including the educational barriers experienced by LAC. This should include, for example, proposed actions, across pre-care, in-care and after-care, to reduce educational, health and employment inequalities experienced by LAC with disabilities.

The Commission continues to stress the need for action to address poverty and social exclusion experienced by a range of Section 75 equality groups

- 1.29 We note that the draft delivery plan highlights the link between LAC and socio-economic disadvantage. In particular, it highlights that in 2014, 42% of LAC came from the most deprived areas in Northern Ireland. We further noted that the draft equality impact screening report accompanying the draft delivery plan further indicates that care experienced children are more likely to have a disability (particularly a learning disability), are more likely to live in poverty, are less likely to have educational qualifications and are more likely to be economically inactive.
- 1.30 Our PfG recommendations²⁴ stress that, in addition to the need to improve outcomes for Section 75 equality groups, there is also the need for urgent action to address poverty and social exclusion experienced by a range of Section 75 equality groups, including children and young people.
- 1.31 While socio-economic disadvantage is not a specified ground under the equality legislation, the barriers and inequalities experienced by Section 75 equality groups, including children and young people, can be exacerbated by poverty and social exclusion.
- 1.32 We note that the draft delivery plan includes the commitment to deliver “*targeted intensive support for families and or children and young people when risk of entry to care is high*”. In the context of improving outcomes for LAC, we would welcome clarification of the proposed specific actions in the delivery plan aimed at addressing poverty and social exclusion experienced by a range of Section 75 equality groups, including children and young people, and people with disabilities.

²³ [Adoption and Children\(NI\) Bill](#)

²⁴ ECNI (September 2016) [Summary: PfG and Budget Recommendations](#)

We recommend actions to address key shortfalls in Northern Ireland to ensure compliance with obligations under international human rights conventions, including the UNCRPD.

- 1.33 In our response to the draft PfG we recommended that the high-level commitments in the draft PfG to compliance with international human rights conventions and the UN Sustainable Development Goals (SDGs)²⁵, were mainstreamed into the specific actions associated with the PfG indicators and into delivery plans.
- 1.34 We also recommended actions to address key shortfalls in Northern Ireland to ensure compliance with obligations under international human rights conventions, including the UN Convention on the Rights of Persons with Disabilities (UNCRPD) and UN Convention on the Rights of the Child (UNCRC). The Commission has identified a range of shortfalls with regards to potential gaps in compliance with international obligations which may be of assistance in addressing this recommendation²⁶.
- 1.35 In our response to the draft PfG we noted that the SDGs include goals and targets on tackling poverty and reducing inequalities, as well as a specific goal on achieving gender equality. The SDGs also include a specific goal on ensuring inclusive and quality education for all and promote life-long learning. We identified a wide range of actions that we recommended were taken in support of achieving the SDGs across the Section 75 categories²⁷.
- 1.36 We also note that the CSCA states that when determining the meaning of well-being within that Act, regard must be had to any relevant provision in the UNCRC.
- 1.37 We note that there is no reference in the draft delivery plan to a commitment to ensuring compliance with obligations under the UNCRPD, the UNCRC²⁸ or other international human rights conventions, for example, or to addressing any identified shortfalls in compliance.
- 1.38 We recommend this is addressed in the delivery plan - to both advance equality and human rights, and to better allow the Executive to demonstrate how it is delivering on international obligations. Of imminent relevance in this regard is the UNCRPD examination of the UK, scheduled for later in 2017.

²⁵ See UN Sustainable Development Goals (SDGs) contained in [Transforming our world: the 2030 Agenda for Sustainable Development](#), 2015

²⁶ We have highlighted, for example, that there are key gaps, in terms of policies and programmes, aligned to a number of UNCRPD Articles, including Article 14 (Education), to be addressed. See for example, Harper, C., McClenahan, S., Byrne, B. and Russell, H. (2012): [Disability programmes and policies: How does Northern Ireland measure up? Monitoring Implementation \(public policy and programmes\) of the United Nations Convention on the Rights of Persons with Disabilities in Northern Ireland](#), pages 192-193 (ECNI) and [UNCRPD: Shortfalls in public policy and programme delivery in Northern Ireland relative to the Articles of the UNCRPD Summary Report \(2014\)](#).

²⁷ ECNI (2016), [Response to the Executive's consultation on a draft Programme for Government 2016-21](#)

²⁸ It will be noted that the UNCRC Committee published its concluding observations on the UK fifth periodic report in 2016. [UN CRC Concluding Observations UK 2016](#) include *inter alia* recommendations on family environment and alternative care, coordination, allocation of resources, monitoring, family environment, children with disabilities, health and health services, mental health, adolescent health and standard of living, including 1.2 of the Sustainable Development Goals on poverty reduction and education.

We recommend all relevant PfG indicators are tracked for the impact across Section 75 categories and gaps in equality data are addressed.

- 1.39 In our response to the draft PfG we noted and welcomed the introductory high level PfG commitment to addressing key inequalities, particularly those experienced by the Section 75 equality groups, and to tracking progress for these groups in relevant PfG population indicators or associated performance indicators.
- 1.40 However, we were concerned that planned actions across the PfG and delivery plans may fall short. In our response to the draft PfG we highlighted the lack of data disaggregation in relation to some equality grounds, such as ethnicity, disability and gender. We recommended that the final PfG and delivery plans should contain clear commitments to address these recommendations²⁹.
- 1.41 We continue to recommend that all relevant PfG indicators are not only tracked in aggregate but *also* for the impact on individuals from each of the Section 75 categories.
- 1.42 With regards to the delivery plan for indicator 10, we note that the proposed indicator does not collect data on a number of equality grounds, including sexual orientation³⁰.
- 1.43 Where robust data is not available to measure the impact across the Section 75 categories, we recommend there is a commitment in the delivery plan to progress further work, at the earliest possible opportunity, to address gaps in equality data, as well as the lack of data disaggregation, including through a timetabled data development agenda.

6 February 2017

²⁹ ECNI (2016), [Response to the Executive's consultation on a draft Programme for Government 2016-21](#)

³⁰ See NISRA PfG Framework Measurement Annexes