

## **NICCY Advice in response to ‘Briefing on Northern Ireland Budgetary Outlook’ 2018-20**

**26 January 2018**

The Office of the Commissioner for Children and Young People (NICCY) was created in accordance with ‘The Commissioner for Children and Young People (Northern Ireland) Order’ (2003) to safeguard and promote the rights and best interests of children and young people in Northern Ireland. Under Articles 7(2) and (3) of this legislation, NICCY has a mandate 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. Under Article 7(4), NICCY has a statutory duty to advise any relevant authority on matters concerning the rights or best interests of children and young persons. The Commissioner’s remit includes children and young people from birth up to 18 years, or 21 years, if the young person is disabled or in the care of social services. In carrying out her functions, the Commissioner’s paramount consideration is the rights of the child or young person, having particular regard to their wishes and feelings. In exercising her functions, the Commissioner has regard to all relevant provisions of the United Nations Convention on the Rights of the Child (UNCRC).

NICCY welcomes the opportunity to provide comment on the Briefing on Northern Ireland Budgetary Outlook 2018-20. Please note that this is not a comprehensive response but instead highlights a number of key points relating to matters impacting on children’s rights and best interests.

### **Children’s Rights Approach to Budgets and Financial Planning**

The Commissioner for Children and Young People has a particular focus on public spending on children, as this is one of the key ways of determining a government’s priorities.

Article 4 of the United Nations Convention on the Rights of the Child sets out that:

*‘States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.’*

The Committee has made it clear that, even under periods of recession, Governments have a responsibility to continue to progressively realise children's rights. This has been reiterated in the Committee's 2016 General Comment No.19 on public budgeting for the realization of children's rights. Further to this, in their 2016 examination of how effectively the UK Government and devolved administrations were meeting their obligations under the Convention, the Committee recommended that child rights impact assessments of budgetary and economic decision making processes and outcomes, including austerity measures, in areas that are directly or indirectly related to children's rights must be conducted regularly.

NICCY urges departments to closely assess their Financial Planning Savings Plans to ensure that as much protection as possible is given to all frontline services for the most vulnerable sections of our communities, particularly children and young people. Children and young people are those whose life chances are greatly affected by the care, treatment and intervention that is given to them in their critical early years and at key points throughout their childhood. **All planned budgets should be subject to a child rights impact assessment.**

### **Comments on 'Briefing on NI Budgetary Outlook'**

The Commissioner welcomes this document, as openness and transparency on how resources are allocated on public services is very important. NICCY has previously produced a number of reports on public spending on children, most recently in 2015 an analysis of government spending on children.<sup>1</sup> :

We also welcome the efforts being made to consider how to target spending, or protection of budgets, to ensure funding for priority/new actions and interventions either through additional income generation (scenario 2) or departmental reductions (scenario 3). It provides a clear, albeit sobering, overview of the reality of the current budget situation and the challenges ahead.

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<sup>1</sup> Kemp, F. et al, (October 2015) **Fund-mapping: the investment of public resources in the wellbeing of children and young people in Northern Ireland**, (Belfast, NICCY).

### **Funding sources and additional resources.**

NICCY notes the information provided on Funding Sources and welcomes the additional resources being provided to address health and education pressures, and the investment in mental health. We are currently conducting a review of emotional and mental health services provided to children and young people and are very concerned at the widely recognised underspending in these services. Recognising that children and young people make up around 25% of the population, we would expect that at least 25% of the new Mental Health money being allocated to emotional and mental health services for children and young people.

NICCY recognises the need for transformation across the four areas identified in the document: health, education, housing and justice, and the need to raise additional revenue. However, impact assessments must be conducted on any proposed policy changes aiming to increase revenue, to determine the potential impact on section 75 groups and those experiencing poverty, and mitigations put in place to ensure that any adverse impact is prevented. People who are not of working age, ie children and pensioners, and those on low incomes should be particularly protected from the cuts.

It is also important that consideration be given to the impact of cuts in relation to spending in the future, and protect any spending that will save money in the future.

### **Specific proposals for savings/income generation**

One suggested change is to reduce spending Home to School transport; NICCY does not agree with the options outlined to reduce eligibility for free school transport. Our research published in August 2017 shows that parents whose children do not access free transport and cannot walk to school are spending on average £431.34 on transport to and from school per child, or £563.86 per household.<sup>2</sup>

‘Given the large proportion of the costs of education attributed to school transport and food for children in school, the Northern Ireland Executive should provide greater financial assistance to alleviate these costs. Access to free school meals and free home to school transport should be widened to ease the financial burden on families.’<sup>3</sup>

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<sup>2</sup> NICCY, 2017, A Free Education: The Cost of Education in Northern Ireland, (Belfast).

<sup>3</sup> NICCY, 2017, A Free Education: The Cost of Education in Northern Ireland, (Belfast), p21.

Rather than looking to reduce the amount spent on school transport, we believe that this should be found from another budget, rather than the education budget, as is common in other parts of the UK.

It is not acceptable that cuts in funding to education should result in increased education costs to parents, and reiterate the following recommendations from our report:

‘The Northern Ireland Executive, Department of Education and Education Authority should ensure that schools are adequately funded solely through public expenditure, and should not rely on parents and guardians to pay for the shortfall in the costs of their children’s education.’<sup>4</sup>

NICCY disagrees with the proposals to remove or reduce Educational Maintenance Allowance – this is an allowance targeted at young people from low income households, removing this or reducing payments would disproportionately affect poorer young people. Moreover, it would undermine the purpose of the allowance which is to counter the inequalities in educational outcomes and encourage disadvantaged young people to stay in education post-16. Reducing or removing EMA is likely to result in more disadvantaged young people Not in Education, Employment or Training, not contributing to the economy and becoming dependent on social security, thus requiring more from the NI budget in the future. For all these reasons we believe cutting this programme would be extremely short-sighted. .

### **Departmental scenarios**

NICCY is supportive of the proposal that the resource budgets of DE and DOH would be exempt from reductions, and should receive additional money through additional income generation (scenario 2) or departmental reductions (scenario 3). Both these departments provide essential services to children and young people and, over recent years, have been increasingly under pressure.

#### *Department of Education*

While welcoming the proposal that the Department for Education’s budget is exempt from cuts using the 2017-18 baseline Resource position in each of the three scenarios, we also note the point made on P64 that this reflects the 2017-18 indicative budget, and does not

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<sup>4</sup> NICCY, 2017, A Free Education: The Cost of Education in Northern Ireland, (Belfast), p21.

include the additional money provided in-year during 2017-18. Even with the additional money allocated in-year, the Education budget has proved inadequate to maintain services. We note the recent news that, even with the additional 2017-18 in-year allocations, the budgets of 632 out of 871 schools have not been approved as they have not been able to show how they could stay within their allocated 2017-18 budgets, and that an EA spokesperson had said that the education sector was facing 'significant financial pressure'.<sup>5</sup>

In December 2017 Mr Boyd, Chief Executive of the Education Authority identified a £350 million funding gap for the education system by 2019-20 unless more money is allocated.<sup>6</sup> In each of the three scenarios, the additional budget outlined is only a fraction of that required to maintain services, resulting in a continued funding gap of £275 million, £265 million or £250 million respectively.

Given the serious gaps in education funding at present and the scale of projected funding deficits in education in the future, there is an urgent need to review how education in Northern Ireland is funded to ensure that all children and young people have access to an excellent quality education in compliance with their rights. It is NICCY's experience that funding cuts are adversely impacting on the ability of particular groups of children and young people to enjoy their right to equality of opportunity in education. Of particular concern are children with special educational and additional educational needs. There is a clear onus on Government to initiate a widespread and honest conversation with education stakeholders and the general public, including children and young people about the type of education system we want for our children and what is affordable going forward. An obvious part of this discussion will involve a comprehensive examination of the cost of duplication in education as a result of multiple education sectors. Recognising the need for parental choice in education, the cost of duplication in education should be gradually reduced and this money invested in improving the quality of the educational experience and meeting the needs of all learners in Northern Ireland.

#### *Department of Health*

Again, while welcoming that the Department of Health is exempt from cuts, we are concerned that none of the budget scenarios provide sufficient funding to maintain existing services. NICCY is very supportive of the need for transformation of the Health systems,

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<sup>5</sup> <http://www.bbc.co.uk/news/uk-northern-ireland-42798691>

<sup>6</sup> <http://www.bbc.co.uk/news/uk-northern-ireland-42317279>

and has been disappointed that this has been delayed due to the political crisis. The Department of Health and its agencies provides many critical services to children and young people and their families and it is vital that these services should be protected.

#### *Department for Communities*

NICCY considers that the DfC budget should also be exempt from reductions, given its focus on tackling disadvantage, promoting social and economic inequality, providing financial help to those in need, helping people to escape poverty and helping people into employment. Too often these are the groups who are most badly affected in times of recession, and so maintaining the resources for the work of this Department and its Agencies will be vital.<sup>7</sup>

#### *Other government Departments*

We recognise the pressures on Departments whose budgets have not been ring fenced to meet the reductions under each of the scenarios presented. While NICCY is not commenting on all of the proposals for each Department, we need to express concern about some particular areas:

- The proposal to cut public transport and rural and community transport: children and young people, elderly people, disabled people and those on low incomes are particularly dependent on subsidised public transport. To cut these subsidies would therefore unequally affect these vulnerable groups, and would also impact on people travelling to work and air quality. Moreover, we note that the PESA statistics (table 1 above) demonstrate that the spending on transport in Northern Ireland is almost half the average across the UK. For these reasons NICCY opposes cuts to spending on public transport.
- The assessment of the Department of Justice that, the reductions under each of the three scenarios are not considered achievable due to the critical impact on public safety.
- The assessment of the Public Prosecution Service that budget reductions under each of the three scenarios will result in increased delay in the time take to make

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<sup>7</sup> These comments are made in the context of NICCY being an ALB of DfC, and therefore has an interest in the budget of this Department. However, this briefing is written under NICCY's statutory duty to advise on children's rights and best interests.

prosecution decisions and conduct cases, so leading to higher risks of prosecutions falling outside statutory time limits. Delays in cases affecting children and young people are widely recognised as unacceptable. This is an issue the Commissioner had consistently raised with relevant Ministers and the DOJ, and remains one of the key areas from the Youth Justice Review that has not been satisfactorily addressed to date. It will not be acceptable if cuts cause further delays in cases involving children and young people, and to the implementation of the Statutory Time Limits.

## **Recommendations**

For the reasons outlined above, NICCY advises that:

- **Government Departments and ALBs must assess their Savings Plans to ensure that effective frontline services for children and young people are protected.**
- **All planned budgets should be subject to a child rights impact assessment;**
- **A significant amount of the new investment in mental health services must be allocated to emotional and mental health services for children and young people. Recognising the widely recognised historical underspend in these services, and the inequity between resources allocated to adult and child mental health services, the portion allocated should be larger than 25% of the new investment.**
- **Consideration must be given to the impact of cuts in relation to spending in the future. Any cuts that are likely to increase the demand on the budget in the future should be rejected and ‘spend to save’ programmes protected.**
- **Proposals to reduce or remove Home to School transport and the Educational Maintenance Allowance should be rejected due to the impact on children and young people living on low incomes and their access to education.**
- **NICCY supports the proposal to protect the budget of the Department of Education and its agencies, and to provide additional resources. However, recognising that the budget in each of the three scenarios is inadequate to continue services at the current level we recommend that Government initiates a widespread and honest conversation about the transformation required to achieve a fair, high quality and sustainable education system in the future, balancing parental choice and the costs of duplication in education.**

- **NICCY supports the proposal to protect the budget of the Department of Health and its agencies, and to provide additional resources. The Department and its agencies must protect frontline services to children and young people, and their families.**
- **The budget of the Department for Communities should also be exempt from reductions, given its focus on tackling disadvantage.**
- **There should not be cuts to public transport and community transport programmes.**
- **It is not acceptable that cuts to the budget of the PPS should lead to further delays in implementing the Statutory Time Limits in cases involving children and young people.**