



Northern Ireland
Assembly

Committee for the Office of the First Minister
and deputy First Minister

OFFICIAL REPORT (Hansard)

Northern Ireland Commissioner for Children
and Young People

20 May 2015

NORTHERN IRELAND ASSEMBLY

Committee for the Office of the First Minister and deputy First Minister

Northern Ireland Commissioner for Children and Young People

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Members present for all or part of the proceedings:

Mr Mike Nesbitt (Chairperson)
Mr Chris Lyttle (Deputy Chairperson)
Ms Megan Fearon
Mrs Brenda Hale
Mr Alex Maskey
Ms Bronwyn McGahan
Mr Stephen Moutray
Mr Jimmy Spratt

Witnesses:

Ms Koulla Yiasouma	Northern Ireland Commissioner for Children and Young People
Ms Mairead McCafferty	Office of the Northern Ireland Commissioner for Children and Young People

The Chairperson (Mr Nesbitt): Mairead and Koulla, you are very welcome. Koulla, I assume that you will take the opportunity to make some opening remarks.

Ms Koulla Yiasouma (Northern Ireland Commissioner for Children and Young People): I will. Thank you. First, I want to thank the Committee for taking the time to see us today. This is not the first time that I have been before most of you. Some of you may remember that, on 15 April, I was here with another colleague to talk about a private Member's Bill — the Children's Services Co-operation Bill — and took the opportunity to regale you with my views on age discrimination legislation. We were keen to have this meeting to talk to you today about being the Northern Ireland Commissioner for Children and Young People (NICCY), what our priorities are and how we hope to work with you over the four years of my term.

You will have received a paper. May I introduce Mairead McCafferty, chief executive of NICCY? Mairead and I will give evidence together. I will quickly do some introductions. We sent forward a paper outlining some of the issues that we wish to talk about. You may have seen in some of the things that have come out of NICCY that we have identified some priorities for my four-year term alongside the full implementation of the United Nations Convention on the Rights of the Child across all government structures and decision-making processes. I also hope to be able to address three particular areas: education inequalities, child poverty, and the provision of services concerning child and adolescent mental health and well-being.

The call to focus some of the work of NICCY has been loud and strong but will inevitably result in lots of people being disappointed. I hope that, under our general business of scrutinising government's work with regard to children and young people, we will be able to cover the broader range of issues.

In the paper that we submitted we talked about a number of issues. As you will see, the first two relate to public-sector reform and the review of NICCY legislation. If I may, I will take these two issues together. When the legislation for the Northern Ireland Commissioner for Children and Young People was passed, all the legwork was undertaken by the Assembly, but it was finally passed in the UK Parliament. Article 24 of the legislation made provision for its review in no more than three years. That was done in 2007 and again in 2013 by my predecessor. As yet, nothing has been done with the recommendations that Patricia Lewsley-Mooney made in 2013. I wish to place on record that I fully endorse those recommendations. Those are the recommendations that I wish to take forward in deliberations with OFMDFM and yourselves.

Comprehensive work is being done on the review of the Children's Commissioner legislation. One of the three areas that I want to talk to you about is how to make the body compliant with international standards. A body such as NICCY needs to be wholly independent of government yet allow itself to come under scrutiny with regard to its effectiveness and its expenditure of public funding. We believe that it is not appropriate to be assigned to one Department, albeit one in the centre, as we have at the moment. We think that, in order for us to maintain a wholly independent remit, it is appropriate for us to be a body of the Assembly. I think that the work that the Committee has done with regard to the Northern Ireland Public Services Ombudsperson can apply to a smaller and, some would argue, less significant body such as NICCY. I ask the Committee to consider that carefully.

The question of which sponsor Department we should have comes into sharp focus with the proposals under the reform of the public sector, where it is suggested that we move to the Department of Education. We suggest that that would further compromise our independence because the Department of Education — you are looking at me perplexed, Chair — as a whole, as a family, is the Department that spends the most directly on children and young people and applies to all children. It is very much an operational Department and services. Therefore, it is also the area, if you put together schools across the sector, where we would have the most complaints and the most dealings with on an operational level around redressing the violation of children's rights. It just becomes complicated if it is also our sponsor body. We have to give an account of ourselves. We could be viewed as biting the hand that feeds us. I have no doubt that we could manage that, but I do not think that it would be a satisfactory arrangement. I think that we would argue that being a body of the Assembly would be a more appropriate arrangement if that could be managed.

I am happy to take questions if you want to stop me now.

The Chairperson (Mr Nesbitt): I get your logic.

Ms Yiasouma: Oh, good.

The Chairperson (Mr Nesbitt): On that logic, the Commission for Victims and Survivors should not be under OFMDFM.

Ms Yiasouma: I am in a position only to talk about my own body.

The Chairperson (Mr Nesbitt): Let us look at what I said as a comment rather than a question.

Ms Yiasouma: I think that the logic applies to a number of other institutions.

The Chairperson (Mr Nesbitt): Yes.

Ms Yiasouma: The Paris principles do not apply just to the Commissioner for Children and Young People.

Another area for legislative change that we are asking for to the NICCY legislation is to have victim status. Again, I do not want to go on too much about legal detail, but article 14 of our legislation — now I will — empowers the commissioner to bring, intervene or assist in legal proceedings where a child's or children's rights have been breached. Unfortunately, in order to do that, we need leave from the court to appeal. The courts have said on numerous occasions that unless we have an actual child

victim we cannot take a case to court; we cannot be recognised as speaking on behalf of a child or a group of children. We argue that this places undue pressure on a vulnerable child and their family to take legal proceedings when we had a body of evidence of particular violations.

There is also a precedent in Northern Ireland to readdress this issue. In 2007, the Human Rights Commission had its legislation amended to give it victim status. So, instead of taking several individual cases for children, which, we argue, is an inefficient way of doing it, we could take a case in our name on behalf of a group of children who are experiencing breaches of their rights. That would keep children and their families out of it and would mean that they did not have the added stress of being witnesses in court proceedings. That is an area that, based on the precedent that has been set for the Human Rights Commission, could be resolved for us as well. To reiterate, we are asking to engage in a conversation with the Department on the two reviews that have been submitted by the office.

Finally on the legislation, there are a number of duplication clauses that refer to a substantial part of our powers, namely to assist in relation to legal proceedings, to investigate and review relevant complaints, advocacy and inspection procedures, and to undertake investigations. We cannot do any of those things if another body has that authority. That has meant that, particularly where there have been cross-departmental or cross-sectoral issues, we have been thwarted. We are not asking for increased powers; we are asking for duplication clauses to be removed to give us the powers that the Assembly intended us to have in the early part of the century. Those are some of the structural issues that we will be working on.

In May 2016, the UK government will report to the UN Committee on the Rights of the Child on their progress on the implementation of the UNCRC. NICCY will submit a report at the beginning of July along with our three commissioner colleagues across the water and will identify a range of issues that we think are relevant for children across the UK but specifically in Northern Ireland. We will also raise issues with regard to the concluding observations that were made by the UN committee in 2008.

Some of the issues that we will address with the committee will be the segregation of our education system and academic selection; the physical or corporal punishment of our children; improving outcomes for our looked-after children; the provision of child-centred child and adolescent mental health services; child poverty, particularly our likely failure to meet the 2020 Child Poverty Act requirements; ensuring equal access to education generally and services specifically for our disabled children; and, of course, something that is a very hot topic for us at the moment, the lack of age discrimination protection for children and young people. I have talked to you about that last issue before, and I am very happy to take questions on it, as I am sure that we are likely to engage on it quite a lot over the coming weeks and, probably, months. Those are some of the things that we will be doing with colleagues across the water, down South with Niall Muldoon, and on an international stage. We will be in Geneva in the autumn to discuss some of our recommendations.

That brings me to our relationship with the Committee. It is our job, as the Government's children's rights advisers, to advise you on the children's rights implications of your work. We do that hopefully to support you in your work of scrutinising Government, but, as a body of OFMDFM, we expect to be scrutinised by you. I am very open to that relationship and that almost two-way scrutiny. It is only right that the £1.3 million spent on NICCY is accounted for with regard to what we are doing to improve the lot of children and young people and, similarly, so that I can ask questions about how our Government are implementing the rights of their children and young people.

That is as much as I will say by way of opening remarks. I hope that that will spark a conversation. We are here to have a conversation with you about the next four years.

The Chairperson (Mr Nesbitt): Thank you, Koulla. You have certainly given us enough for a conversation. The first point at which I expressed a little bit of visual surprise was the idea that you are not entirely content with the proposal that the Department of Education should become your sponsor Department. Why should "biting the hand that feeds" you be stronger with that relationship than with OFMDFM? They are both part of the Executive.

Ms Mairead McCafferty (Office of the Northern Ireland Commissioner for Children and Young People): One of the concerns that we discussed is the fact that it would be a single ministerial Department, whereas the one that we are currently housed with is the joint ministerial Department.

There would be the added concern that you would be working to one Minister. The other concern is budgets. We are aware that, with all the cuts that all Departments are experiencing, we could be at the mercy of budget cuts as well. We are making cuts on what we have been required to do to make savings for the financial year. Like every other arm's-length body, (ALB) that is causing us great problems, as you can imagine. We are very concerned that we would get to a stage where the legislative remit of the office could be compromised by being with a single ministerial Department. I have to say that it is no reflection on individual Ministers; it is just a concern. It is also, as the commissioner has already expressed, very much in line with the direction of travel in which we would like to go, which is about looking more effectively at the independence of the office, while at the same time being accountable. In no way do we think that we should not be accountable for public moneys. We are completely open to that, as the commissioner has said.

The Chairperson (Mr Nesbitt): If we accept that as a Committee, that would have implications for other ALBs.

Ms Yiasouma: Probably.

The Chairperson (Mr Nesbitt): Certainly. Absolutely.

Ms Yiasouma: Bearing in mind that the recommendation was in both the 2007 and 2013 reviews of the legislation, it was felt, based on independent advice, that NICCY should be a body of the Assembly. It is not new. It has just become, in our view, a bit more urgent now that we are being asked to go into a more operational Department.

The Chairperson (Mr Nesbitt): If you became an institution of the Assembly, what are the practical implications? For example, where would you get your budget?

Ms Yiasouma: One assumes that the budget would come with us to the Commission. That is one of the technicalities that have to be resolved.

The Chairperson (Mr Nesbitt): It would be the Assembly Commission.

Ms Yiasouma: Presumably. We look to reflect what is happening to the Northern Ireland Public Services Ombudsperson (NIPSO). It also reflects the arrangements for our colleague in Scotland. The Scottish commissioner is a body of the Scottish Parliament, so all eyes turn to Scotland.

The Chairperson (Mr Nesbitt): Who would you report to? What would be your scrutiny committee?

Ms McCafferty: As the commissioner said, that would be up for discussion. We have already met the Speaker to raise concerns. We have also registered those concerns with the DE Minister, having had a meeting with him.

We are very keen to engage on the practical outworkings. You are right that there could be implications for other ALBs. At the same time, as the commissioner said, it was one of the recommendations when the office and the legislation were reviewed twice in the past. We are awaiting a response from Ministers on the article 24 report of 2013. Had that been acted on then, we would probably not be having this conversation today.

The Chairperson (Mr Nesbitt): Those recommendations were specific to NICCY and not a joint directive —

Ms McCafferty: Yes. There was a review of NICCY's legislation, as we are required to do under article 24.

Ms Yiasouma: Just for the NICCY legislation, but, yes, it could be suggested that there is read-across, even to the Commissioner for Older People, but we are not competent to talk about that.

The Chairperson (Mr Nesbitt): You have spoken to the Speaker.

Ms Yiasouma: Yes, we have.

The Chairperson (Mr Nesbitt): How did he react?

Ms Yiasouma: He did not throw us out of his office. It was an intriguing —

The Chairperson (Mr Nesbitt): Sorry, he what?

Ms Yiasouma: He did not throw us out of his office. I think that it was an intriguing possibility. He is certainly open to having a conversation. We are not offering a fait accompli or "one we prepared earlier". It is only right that we allow the Assembly, Ministers and the Executive to have that debate.

The Chairperson (Mr Nesbitt): On the theme of inaction, it appears that your first article 24 report, which was submitted to OFMDFM in 2007, has not yet had a response. Is that correct?

Ms McCafferty: That is why we were required to carry out another review of the legislation, which NICCY did. That report was submitted along with the article 24 report in 2013.

The Chairperson (Mr Nesbitt): What was the response to the 2013 submission?

Ms McCafferty: We recently received a letter from the Office of the First Minister and deputy First Minister, and we have a meeting scheduled for 2 June to discuss it further.

The Chairperson (Mr Nesbitt): So something that started in 2007 —

Ms Yiasouma: The legislation was passed in 2013.

The Chairperson (Mr Nesbitt): Yes, but the first article 24 report was in 2007, and there was no response. You did another in 2013 and you are yet to have a meeting about it.

Ms McCafferty: It has been raised and has been on the agenda of all the meetings that we have had with the junior Ministers and with OFMDFM officials. We have expressed concern at the delay in a response.

The Chairperson (Mr Nesbitt): How do you think children and young people would react if they knew?

Ms Yiasouma: I think that children and young people have a lot to worry about, but there is an issue about the messages that our Government are sending to their children and young people about their rights. Age goods, facilities and services (GFS) is an example.

Mr Lyttle: Why does that surprise you, Chair? We see them once a year.

The Chairperson (Mr Nesbitt): Would you consider their response timely?

Ms Yiasouma: The response from —

The Chairperson (Mr Nesbitt): To your article 24 report.

Ms Yiasouma: No, I would not consider that timely, bearing in mind that I have been in the commission only since 2 March this year. That is why I have taken the opportunity of our first meeting with you to raise it. I am also really pleased that we are having a meeting with the First Minister and the deputy First Minister in June. For me, three months in, I consider it a success that this is at least on the table for discussion.

The Chairperson (Mr Nesbitt): Let us move on to the legal proceedings. Am I right in understanding that you can support an individual child or young person in the same way that the Equality Commission recently —

Ms Yiasouma: In certain circumstances, yes.

The Chairperson (Mr Nesbitt): So, in the same way as the case that got a result yesterday, you can support somebody.

Ms Yiasouma: In certain circumstances, yes, but we cannot —

The Chairperson (Mr Nesbitt): Can you initiate?

Ms Yiasouma: No. For example, if there was a group of children not receiving a certain service, say it was a group of children who ended up in custody unnecessarily and there was a clear breach, I, along with my colleagues in NICCY, would not be allowed to take a case and say, "Here is evidence; there are 50 kids experiencing this issue." I would not be allowed to do that.

The Chairperson (Mr Nesbitt): But you could support one child out of those 50.

Ms McCafferty: Yes, but you would have to subject that child to court proceedings.

Ms Yiasouma: And then the next one coming along after them and then the next one coming along after them.

The Chairperson (Mr Nesbitt): If you set the precedent with one case, would you really need —

Ms Yiasouma: That depends on how big the precedent is. One case that we are involved in had a significant judicial review outcome in relation to children being given reasonable support when on bail. We are still working with the relevant authorities to implement that ruling, and there are several more cases going through.

The Chairperson (Mr Nesbitt): The other point that Mairead was making is that, if you do that, you are not subjecting or exposing the child to the court process.

Ms Yiasouma: That is right.

The Chairperson (Mr Nesbitt): Do you have a legal budget in your overall budget?

Ms Yiasouma: Yes.

The Chairperson (Mr Nesbitt): How much is that?

Ms McCafferty: Currently —

Ms Yiasouma: She is the numbers woman.

Ms McCafferty: The Department has programme costs, as we call them, of about £30,000 to £40,000, which is being reviewed, given the pressures on the organisation.

Ms Yiasouma: We also employ three qualified lawyers: a barrister and two solicitors.

The Chairperson (Mr Nesbitt): Where does law rank as a percentage of programme costs?

Ms McCafferty: I would say that it is about 30% or 35%.

The Chairperson (Mr Nesbitt): That is quite high.

Ms McCafferty: For programme costs and staffing, it would be much less, because we have only five staff in that department out of a complement of 25, so you are talking about 20% or 25%.

The Chairperson (Mr Nesbitt): Right, and, of those five, three are qualified.

Ms McCafferty: Three are qualified solicitors, and one is a barrister.

The Chairperson (Mr Nesbitt): You also mentioned the UN Convention on the Rights of the Child. How do we benchmark against the Republic and the other nations and regions of the UK?

Ms McCafferty: There are, as you know, moves in Scotland and Wales to look at better incorporation of children's rights compliance in relation to the UNCRC, and the Scotland Act and the Welsh Measure have made significant progress in those areas. It is something that we are in discussions about.

We brought the commissioners over from Scotland, Wales, the Republic of Ireland and England in 2012 to update this jurisdiction on the progress that they have made. We are aware that there are some issues that they are resolving, in Wales, for example, but it is something that NICCY has put on its programme for a while now. For all the reasons that the commissioner has outlined, it is something that we are working towards, although we appreciate that it is a longer-term piece of work that we will have to achieve.

Ms Yiasouma: It is very difficult to compare across the five jurisdictions, mainly because data collection with regards to the state of well-being and children's rights is not as robust in Northern Ireland as we would like it to be, nor is an understanding of our budgetary spend on our children and young people. That is another piece of work that we are taking forward and hope to launch in October in order to inform the conversations about the comprehensive spending review and the Programme for Government.

As your Children's Commissioner, I am not overly interested in comparing myself with any of the nations in these islands; I am interested in comparing us with the best in the world. Lots of people smile at me and say, "Bless". It is an aspiration, but, if we can do that and get on that journey, it may not happen during my tenure, but the peculiarities of Northern Ireland in its size allow us to look beyond these shores to what the best practitioners can do for their children.

The UN Convention on the Rights of the Child is supposed to be about minimum standards, but we are still having conversations this many years on about even achieving those.

The Chairperson (Mr Nesbitt): Who is the best in the world?

Ms Yiasouma: A heap of countries are the best in the world. I am loath to say the "F" word — Finland. A lot of countries have a lot to teach us. Some Far Eastern countries are among the best in the world, but it is the Nordic and Scandinavian countries that appear at the top of the league tables for education, well-being and happiness.

The Chairperson (Mr Nesbitt): If the best in the world are 10 out of 10, what do we score?

Ms Yiasouma: We know that the UK often appears towards the bottom of the tables.

The Chairperson (Mr Nesbitt): If 10 out of 10 is perfect, what score would you give us?

Ms Yiasouma: Oh my goodness. I am not a teacher; I am a social worker, and we do not give scores. I would say that we are probably a two or a three. Would that be fair?

Ms McCafferty: As a former teacher, I will be more generous and say that we are probably a five. We have a way to go and, thinking back to your earlier question about what children and young people would think about the fact that we have not had the review of our legislation addressed, for example, the message that we are sending them is very concerning. As the commissioner said, age GFS is one example of that because we are saying to our children and young people that they do not matter because we do not care enough to have them included in legislation. That is a very dangerous message.

One of the most worrying things in our society, as we are all aware, is the level of disaffection. If we put forward a piece of legislation, such as age GFS, that effectively excludes under-16s, we are saying to a whole swathe of young people upcoming in this society that they are not valued or respected enough to be included. I might revise my earlier mark down to a four. *[Laughter.]*

Ms Yiasouma: You see, I was right in the first place.

The Chairperson (Mr Nesbitt): Before we degenerate into the Eurovision Song Contest, let us bring in Alex Maskey. *[Laughter.]*

Ms Yiasouma: I will be voting for Cyprus.

Mr Maskey: Thank you for your presentation. I am tempted to say that you could merge the Children's Commissioner and the Commissioner for Older People because by the time you get a response some of the younger people will be older people.

Ms Yiasouma: I certainly will be.

Mr Maskey: You explained that you have had meetings. Unless something has escaped my attention, you are saying that you have not had a formal response since 2007 and again in 2013, which I find incomprehensible. You said, however, that you have had engagements with the Department. In fact, I heard your predecessor explain to the Committee about those engagements, including some with junior Ministers. What was the content or substance of those meetings? If you have not had a formal response, has something else been going on? I am trying to imagine that there has been zero since 2007 and 2013, which I find incomprehensible and absolutely unacceptable. Have you had meetings and discussions where a response has been forthcoming?

Ms Yiasouma: As Mairead said, we have formal quarterly meetings with departmental officials, and we also meet the junior Ministers regularly two or three times a year to look at the work of the office and the progress on children's and young people's issues. However, I think that I am right in saying that we have not had formal discussions about the review of the legislation, except to say that it has been received and is being considered.

Ms McCafferty: In fairness, it has been on the agenda of the meetings with the junior Ministers and we have discussed it, but we have not had a formal response to it. There are 12 recommendations in the article 24 report, as you will be aware. We have had brief discussions about some aspects of those, but, as yet, we have not had a formal response. One of the main ones, as the commissioner said, is the need to have victim status to be able to take class actions on behalf of groups of children and young people. There are also duplication and contradictory clauses and practical considerations. For example, the devolution of policing and justice now means that we just have to amend a paragraph to reflect that. Practical things like that have to be done, but it should not be too onerous a task to amend the legislation — and we have been very patient.

Mr Maskey: So the point I am trying to get at is that you have had discussions on some of those issues, but no resolution to any of them.

Ms Yiasouma: No formal response.

Mr Maskey: Has there been any suggested time frame? Has there been any indication in those discussions that there is some resolution to it, or is it just talking?

Ms McCafferty: The letter that we recently received from the Office of the First Minister and deputy First Minister, which we are having a meeting about on 2 June, refers to the victim status issue, so that is one of the issues we will be discussing further when we meet them.

Mr Maskey: But you discussed it before.

Ms Yiasouma: We discussed it, but we have had no formal written response to it.

Mr Maskey: What is the difference between a formal response and an answer?

Ms Yiasouma: Some sort of plan about what you are going to do with the information. It is all well and good discussing it, but we need some plan, even to say, "We've had a look at what you said and we don't agree with you". You then know the parameters of the conversation you are having. The impression I am getting, bearing in mind that I have been at this for only a few months, is that there have been discussions but it is not being taken forward one way or the other. We need something to be taken forward.

Mr Maskey: Now and again, officials have had to come here and say, "Look, you know the problem: there is no agreement politically". We all understand what that means. Is that what has been happening?

Ms McCafferty: I am aware that the first time the review was conducted there had not been political agreement on a response letter to the commissioner. That was slightly before my time, but that is what I understand. Because so many years had then lapsed, the commissioner was asked to conduct another review, which we did. That resulted in the article 24 report that was submitted in 2013. At this stage, we would like the formal response because that would give us an indication of the 12 recommendations, how we can move forward on them and where the legislation has to be amended and can be amended.

The reason for the request and the 12 recommendations is to make the office more effective for children and young people. This is not about trying to make the commissioner omnipotent or anything like that. It is about making sure that we can do a much more effective job on behalf of the children and young people for whom we work.

Ms Yiasouma: Apart from asking for victim status, everything else we are asking is simply to reflect what I believe was the intention in 2002-03 when the legislation was drawn up. I was, unfortunately, there at the time — I am old enough. We were part of the NGO forum that drew up that legislation. The only significant change we are asking to the legislation is the victim status. The rest is more tidy-up.

The Chairperson (Mr Nesbitt): And that is one of the 12 recommendations.

Ms Yiasouma: Yes.

Mr Maskey: Just one final point. Leaving that to one side — we will obviously deal with that a lot more substantively — in your ongoing relationship with the Department, getting on with your work and getting whatever support you might need, is any of that productive?

Ms Yiasouma: It is getting there. I am new in, and the Commissioner for Children's Office is very much driven by the individual who is in the role of commissioner. In the past three months, and from even the date of the announcement of my appointment in December, I have had nothing but warm welcomes. People have certainly been listening to us.

Now, as we get into the nitty-gritty and start beginning to make our mark and push things in certain directions, we will see how it goes. As Mairead said — we talked about this last time we were here in April — we have significant frustrations in not being able to get a response as to why the direction of travel is as it is under age GFS, regardless of the mountains of evidence to the contrary that NICCY and the Equality Commission submitted in 2013.

Mr Maskey: I presume you know where that is now.

Ms Yiasouma: Yes.

Mr Lyttle: It is good to see you. Congratulations on the start to the new post. You have said that one of your key priorities will be addressing or examining educational inequality, segregation and academic selection. Have you any initial thoughts about what some of the key areas of concern are in relation to those issues?

Ms Yiasouma: Yes, I have some, and I have already talked about some of that in blogs that we have written, in speeches that I have made and in media interviews. Segregation and academic selection in Northern Ireland specifically were both issues that the UN committee raised in 2008. We will be asking the UK Government to talk about progress, and, as you know, progress is not much further forward. Chris, what I am interested in is that the gap in educational attainment amongst certain groups of our children and young people is unacceptable. There are some things that are inherently challenging about our education system. One is with regard to the barriers, real or virtual, that are faced by children living in poverty accessing some of the things that mean that they can enjoy their full rights to education.

We cannot deny that our selective system also has an impact. I cannot sit here, and nor can anyone who is interested in children's issues, and say that less than 20% of Protestant boys on free school meals leave school with five good GCSEs at A to C in English and maths. That is unacceptable, and it becomes even more unacceptable when you compare it to the 79% of Catholic girls who are not on free school meals who leave with those qualifications. It is just not right. I know that I have said some stuff in the media about ending academic selection, but it is not for me to make those decisions. It is for this institution — the Assembly — to make those decisions, but, in the way that we are having conversations in our health service, we have to have a proper review. The Chief Medical Officer talks about health and says that we need a radical overhaul; I suggest that we need the same for our education system. We need a proper conversation and a consensus on the way forward for how we review our education system and have a system that enables all children to achieve the top end.

I am not asking for meeting in the middle. We are talking about, to quote my colleague, a levelling up of education to achieve the best for all our children. Again, as I have said publicly, we need to set aside our preconceptions of what will fix the system, look at what is best in Northern Ireland, look at what is best in these islands and look at what is best in the world. We need to talk to our children and young people and their families about what they need and come up with a system that we can work towards. Academic selection cannot be stopped tomorrow, because we do not have an alternative. We need to do that. Sorry, Chris, that was a speech, rather than an answer.

The Chairperson (Mr Nesbitt): I wonder whether you agree with me. I think that one of the problems is not particular to Northern Ireland. It is that education tends to go for standardisation: five A*s to Cs. The way to do it is to individualise it. That is the only way that you will have real success for children, but that is a hugely more challenging way of doing business than standardisation, which is relatively simple.

Ms Yiasouma: Yes, of course, but, if we have a standard, it is about baselines. I think that that is part of the conversation because we know that, in particular, children who have certain adversities at the beginning of their lives or during their childhood, such as children who are looked after, children with disabilities and children with illnesses, will not reach that at 16 but may reach that at 19 or 21. That is why our remit, for example, extends to 21 for children with disabilities and children who are looked after. They will reach those milestones later, and that is to make up for some of the challenges. We need to have that conversation, and we need to set aside our vested interests and come to the table open to have that conversation with our society.

The Chairperson (Mr Nesbitt): Chris, thanks for that.

Mr Lyttle: I agree with you, Chair. I think that, as you have said before, we assess how intelligent children and young people are against a standard rather than in what way children and young people are talented and then provide them with the opportunities to develop those talents in whatever way. That is a big challenge to undertake. I look forward to working with you on those issues. I wish you well in them.

Mrs Hale: Thank you, ladies. The briefing notes talk about the implementation of the Paris principles. I am not really fully aware of what they are. Can you explain exactly what the Paris principles do? Are your contemporaries in Ireland and the UK able to work to them? Is it being implemented there? If it did happen here, how would it benefit children and young people?

Ms Yiasouma: It is some of the things that we talked about earlier. The Paris principles are a set of principles that the office of human rights at the UN came up with, and one of the Paris principles is to be wholly independent. You are absolutely right to ask the question, "If you want this, how will it improve things on the ground for children and young people?" We want to be wholly independent so that we can be the genuine advocate for the views and experiences of children and not be hamstrung by vested interests of Departments, Ministers and civil servants. We want to have that voice and that advocacy — I do not want to use the word "pure" — and be genuine about it. That is not to say that people do not come back, but that will allow us to be true so that the only stakeholder that we need to worry about is children and young people. Actually, NICCY has to take into consideration the views and experiences of parents, who are often the main advocates for their children. That is how we think, through the Paris principles, it will guarantee independence. It also places requirements on the Government to take into account what we say about the lives of children and young people and the measures that we recommend to improve outcomes for children. I have said a lot since I started this job about us being measured on what we achieve for young people. Obviously, how we spend our

money is very important, but the scrutiny should be on the outcomes and the quality of the advice that we give our Government.

Mrs Hale: Would you say that, by not adhering to them, your work is hindered or contaminated, for want of a better word, by the Department?

Ms Yiasouma: I think that "contaminated" is probably —. There is a risk, as Mairead said, that, if we move into an operational Department — an area like education — contamination may become an issue. We certainly have a feeling of being a little bit hamstrung, yes.

The Chairperson (Mr Nesbitt): I will go back to the United Nations Convention on the Rights of the Child. The UK Government are about to put together the latest state party report, as it is called, for the UN committee. Have you had an input yet?

Ms Yiasouma: No. The four commissioners of the UK will be submitting their report. There is an alternative report in process. The UK Government have put in their report, and the UK commissioners will submit their report on 1 July. We can certainly give you early sight of that as soon as possible. In Northern Ireland, the NGO sector will also submit a report on the state of children's rights in Northern Ireland. In the autumn, there will be what is called a pre-sessional event in Geneva, where the UN committee will hear from those of us outside Government — the four commissioners, and other parties as well — to hear what we think of the UK Government's report. We will speak specifically about Northern Ireland and what we think about that.

The Chairperson (Mr Nesbitt): Great. So you are happy enough with that process.

Ms Yiasouma: For the record, I am certainly not happy with the UK Government's report, but I am content enough — it is the first time for me — that we will have a voice in that process.

The Chairperson (Mr Nesbitt): What do you not like about the UK Government's report?

Ms Yiasouma: When you compare the UK Government's report with the alternative reports, it sometimes feels like we have different interpretations of the UN Convention on the Rights of the Child. For example, there was a recommendation — you are testing my memory here — in the concluding observations about taking urgent measures to address the negative stereotyping of children and young people, particularly in the media. That was in 2008. In Northern Ireland, our Government responded by saying that they had funded 14 intergenerational projects, and that that was the urgent measure that they had taken. That is just an example. For the record, the 14 intergenerational projects that they funded were excellent projects that achieved a lot in conversations between older people and younger people. However, for me, that does not qualify as taking an urgent measure to address the negative stereotyping of children and young people. It is issues like that. The two recommendations that I talked about around education are simply not mentioned in the UK state party report — certainly not that I have seen. Again, I probably have to go back and scrutinise it more, but they have just chosen not to refer to those concluding observations. We have a different interpretation, and some of the challenges come because it was written at Westminster.

Ms McCafferty: There are clusters of rights under which the UK state party reports — themes of health, education, youth justice and so on. As the commissioner said, they will have made concluding observations last time round, in 2008. That is what they are reporting on now. There is a range of areas where we are not content with the progress or lack of progress that has been made. This is why the four UK commissioners are doing a joint report again. Obviously, there will be Northern Ireland-specific recommendations in there coming from the commissioner and some of the concluding observations; for example, around education, as the commissioner has mentioned, but also youth justice and the length of time that young people are kept on remand. There is a whole range of issues against which the UK state party as a whole will be measured, and those are some of the concluding observations.

The Chairperson (Mr Nesbitt): OK. We would like to stay in touch as you have suggested, Koulla. Perhaps, as a next step, once you have your article 24 meeting, you will write to us to communicate how that has gone. Perhaps we might think about meeting up again at an appropriate time after your visit to Switzerland.

Ms Yiasouma: We would very much welcome that. We will also let you have our annual report. We are happy to take any challenge or give further information on anything. We would welcome visits if anyone wants to come and see us individually. You are the Committee that should be scrutinising our work, and we are really open to that.

The Chairperson (Mr Nesbitt): OK. Koulla and Mairead, thank you both very much indeed.