

WITNESS STATEMENT OF NICCY MODULE 2C UK COVID INQUIRY

1. I, Koulla Yiasouma, Northern Ireland Commissioner for Children and Young People, make this witness statement pursuant to the Request for Evidence under Rule 9 of the Inquiry Rules 2006.
2. I was appointed as Commissioner on the 2nd of March, 2015. I have therefore been in post throughout the Covid 19 pandemic and I welcome the opportunity to assist the Inquiry at all stages as appropriate in relation to the impact of the Covid 19 pandemic on the children and young people in Northern Ireland. My term of office ended on the 1st of March 2023.
3. The Covid-19 pandemic impacted almost all aspects of my work during the Specified Period. I note that in this Module the Inquiry is concerned with the key decisions made by government in Northern Ireland. I have therefore sought to focus this witness statement on the types of high level decisions which the Inquiry is examining in this Module, and the role which I played in relation to those high level decisions (pursuant to the terms of the Rule 9 request). However, if the Inquiry requires further information in relation to any matter, including any matter not addressed in this statement, I am happy to provide a further statement at any stage.

A. THE OFFICE OF THE COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE

The Office of the Northern Ireland Commissioner for Children and Young People (hereafter "NICCY") was established by The Commissioner for Children and Young People (NI) Order 2003, (hereafter "the 2003 Order").

4. The 2003 Order states that the principal aim in exercising my functions under the Order is to '*safeguard and promote the rights and best interests of children and young persons*' (Art. 6 (1)).
5. My duties are set out in Article 7 and include:

- Promoting an understanding of the rights of children and young persons and matters relating to their best interests, together with an awareness of the importance of those rights and a respect among children and young persons for the rights of others;
 - Keeping under review the adequacy and effectiveness of law and practice relating to the rights and welfare of children and young people and services provided by relevant authorities (as listed in Schedule 1 to the 2003 Order) for children and young persons;
 - Advising the Secretary of State, The Executive Committee of the Assembly, and relevant authorities on the rights or best interests of children and young persons, either if requested to, or as I think it appropriate;
 - Taking steps to ensure children, young people, and their parents are made aware of the functions, the location of my office, and the ways in which they may communicate with me; and
 - Encouraging children and young people to communicate with me, seeking their views on the functions, ensuring the services are available, so far as practicable, to them where they live and that anything that I publish which is aimed at them, takes account, so far as practicable of their age, understanding, and usual language.
6. The statutory functions and duties, as set out above, are discharged using the powers conferred upon me by Art.8 of the 2003 Order. These powers provide for:
- Undertaking, commissioning or providing financial, or other assistance, for research, or educational activities, concerning the rights or best interests of children and young people, or the exercise of the Commissioners functions;
 - Issuing guidance on best practice, regarding the rights or best interests of children and young persons;
 - Conducting such investigations as I consider necessary or expedient;

- Compiling information, providing advice, making representations or recommendations and publishing any matter regarding the rights or best interests of children and young persons;
 - Reviewing advocacy, complaint, inspection and whistle blowing arrangements for relevant authorities;
 - Assisting with complaints to relevant authorities;
 - Investigating complaints against relevant authorities; and
 - Bringing, intervening in or assisting with legal proceedings.
7. I am required to have regard to the relevant provision of the United Nations Convention of the Rights of the Child (Art. (3(b)).
8. NICCY comprised of a Staff Team of 25, led by the Chief Executive, the Legal and Investigations team, the Policy and Participation team, and a Corporate Services team. Across all of the teams within NICCY we took steps to fulfil our statutory duties in exercising our functions through the pandemic. In addition, I am advised by the NICCY Youth Panel, currently involving 44 young people. Furthermore, through a range of methods I am informed by the experiences and opinions of stakeholders including children and young people more generally, across Northern Ireland.
9. NICCY produces a Corporate Plan triennially, which outlines its high level objectives over that period. It also produces an annual Business Plan which outlines the work it will do that year to contribute towards the Corporate Plan objectives. The 2020-'23 Corporate Plan was revised in year 1 to reflect the variation of objectives as a result of the Covid-19 pandemic. Revision to the plan was commenced in quarters 3-4 of 2020-21 business year and reflected in the updated 2021-'23 Corporate Plan and annual 2021-'22 Business Plan. Leading on the development of these plans is the responsibility of the Chief Executive working with senior staff and the full Staff Team in collaboration with the Commissioner. Extensive participative engagement with the range of stakeholders was involved in the development of the Corporate Plan 2020-'23, together with subsequent liaison with Non-Governmental Organisations and children and young people in the updated version 2021-'23 (which included work on

the Covid-19 pandemic to reflect the significant, ongoing and inevitably long lasting impact on children and young people). I refer to exhibit KY/1-INQ000147091

10. In 2021 and 2022 our annual Business Plans were produced to reflect the necessity of NICCY's ongoing response to the Covid-19 pandemic and to ensure that children and young people's rights were considered, monitored, scrutinised, and protected. I refer to exhibit KY/2-INQ000147116 and exhibit KY/3-INQ000147127.

B. OVERVIEW OF THE COMMISSIONER'S WORK DURING THE PANDEMIC

11. Throughout the Specified Period NICCY sought to safeguard and promote the rights and best interests of children and young persons in the following key ways.

Assessing the impact of the pandemic upon children and young people

12. My office sought to assess the impact that the pandemic was having on children and young people. In light of the evolving nature of the information available to inform the decision-making response to the pandemic, there was limited forewarning in relation to the decisions being made. We used the information from meetings and correspondence with relevant officials, reported in the media, in addition to information gathered through previous reports to provide guidance and assess decision making, all of which was benchmarked against the UN Convention on the Rights of the Child. As the pandemic continued, I was concerned about the limited sharing of information and consultation across Government which was required to allow us to best fulfil our statutory role. I proactively sought to be engaged in advice to decision makers as demonstrated below. I highlighted my concerns in a meeting on 10th March 2021. I refer to exhibit KY/2a-INQ000188885. Our assessment of the impact was derived from a number of sources:

- a. The NICCY Youth Panel: This consists of 44 young people and exists to provide advice to my office with respect to the experiences and opinions of children and young people generally. My office engaged with the Panel throughout the pandemic and met with them, or subgroups of the Panel, on 95 occasions. The Panel provided an important "reality check" to my office as to the difficulties that the young people on the Panel, their peers, and families were facing.

- b. The Kids Life and Times Survey (hereafter “KLTS”): The KLTS is an annual survey which has been running since 2008. It uses online questionnaires and is targeted at P7 (ages 11 and 12) children in primary schools across Northern Ireland. The fieldwork for the 2020 KLTS was carried out between 12th October 2020 and 26th February 2021. A total of 2,242 children logged on to the survey out of a target population of 25,450 P7 age children, which represents a response rate of approximately 9 percent.
- c. The Young Life and Times Survey (hereafter “YLTS”): The YLTS is an annual survey which has been running since 1998. It records the views of 16 year olds in Northern Ireland on a range of issues. During the pandemic young people were asked several questions specifically related to Covid-19, devised by the NICCY Youth Panel. Five thousand young people were invited to participate and the response rate was 42%.
- d. Commissioning of reports: for example, we commissioned a report from the Queen’s University of Belfast (hereafter “QUB”) on the impact of Covid-19 upon the planning and delivery of children’s services (further on this below). This informed NICCY’s covid report, *‘A New and Better Normal’*.
- e. Meetings and focus groups held with young people or the directors of relevant groups. This included with children and young people in care including those in secure settings, Young Carers, Traveller or Roma children and young people and and/or organisations supporting them.
- f. Through casework resulting from referrals received from children, parents, and carers of children.
- g. Requests to relevant bodies and organisations for information and assurances in relation to the arrangement in place.
- h. Communication with relevant NGOs/schools/other relevant bodies. For example communication from Principals’ groups and Royal College of Paediatrics and Children’s Health (“RCPCH”) Please see exhibit INQ000146410 and INQ000146403.
- i. Engaging with colleagues across Ireland, the United Kingdom, and Europe.

Advising the Executive and relevant agencies and scrutinising their response to the pandemic

- 13. Throughout the Specified Period my office sought to advise the Northern Ireland Executive (hereafter “Executive”) and other decision-making bodies on the impacts

of the pandemic upon children and young people, and to scrutinise the response of those decision-making bodies to the pandemic. The response required at different stages of the pandemic did not allow separate analysis of each decision and research on each of the decisions in advance of them being made. In many instances we were provided with limited notice of decisions being made and used previous work of NICCY and the methods set out to gather data and advise on the decisions being made. During the pandemic NICCY proactively sought engagement on issues that concerned children and young people. For example, in relation to the modification of children's social care duties NICCY became aware of proposals to change the legislation and contacted the relevant Department to request consultations in these discussions as detailed below. Prior to the pandemic NICCY had existing mechanisms for meeting Ministers, Departments and Relevant bodies. Periodic Ministerial meetings take place as required. Meetings with the Ministers for Education, Health and Justice take place when required but annually at a minimum. NICCY also engage with The Executive Office, the Department of Agriculture, Environment and rural Affairs, the Department of Economy, the Department of Finance, as required. In my view Ministers were generally accessible during the pandemic. The frequency of meetings changed at times, sometimes having to be cancelled due to emergency responses to the pandemic or additional meetings were scheduled to discuss issues arising. These meetings, although not all set up to discuss the COVID-19 pandemic, inevitably became a forum where information was shared and discussed in respect of the pandemic.

14. Advising the Executive and relevant agencies via a number of methods, including:
 - a. meeting with Ministers and relevant Departmental personnel and agencies;
 - b. correspondence and emails to Ministers and relevant Departmental personnel and agencies;
 - c. liaison with Ministers and relevant Departmental personnel and agencies
 - d. issuing advice papers;
 - e. providing evidence to relevant Committees within the Assembly;
 - f. Providing information to children and young people, and to adults with responsibility for children and young people
 - g. Responding to consultations.
15. I have included dates, agendas and internal notes, where available, of those meetings which discussed the Covid-19 pandemic. Exhibited notes made of these meetings

were prepared for internal use as an aide-mémoire and are not minutes that have been subsequently agreed with the other parties present, unless otherwise stated.

16. During the Specified Period my office met with the Minister for Health and relevant officials as follows:

- a. On 19th March 2020. I attach a NICCY agenda. I refer to exhibit KY/3a-INQ000188887
- b. On 1st December 2020. I attach a NICCY agenda. I refer to exhibit KY/3b-INQ000188888. I attach a note of this meeting with the Health Minister on 1st December 2020. I refer to exhibit KY/3c-INQ000188889
- c. On 21st April 2021. I attach a NICCY agenda. I refer to exhibit KY/3d-INQ000188890 attach a note of this meeting with the Health Minister. I refer to exhibit KY/3e-INQ000188891.
- d. On 2nd February 2022. I attach a NICCY agenda. I refer to exhibit KY/3f-INQ000188892. I attach a note of this meeting with the Health Minister. I refer to exhibit KY/3g-INQ000188893.

17. During the Specified Period my office met with the Minister for Education and relevant officials as follows:

- a. 7th May 2020. I refer to exhibit KY/23-INQ000147120 (referred to below), a note of this meeting. I attach a NICCY agenda at exhibit Ky/3h-KY/3i-INQ000188894.
- b. 22nd June 2020. My office contacted the Department of Education to arrange a meeting. I refer to NICCY agenda at exhibit KY/3l-INQ000188895.
- c. 22nd October 2020. I refer to NICCY agenda at exhibit KY/3j-INQ000188896.
- d. 7th September 2021. I refer to NICCY agenda at exhibit KY3k-INQ000188897.
- e. 14 February 2022. I attach NICCY agenda. I refer to exhibit KY/3l-INQ000188898. I refer to a note of the meeting at exhibit Ky/67-INQ000147173 (referenced below).

18. During the Specified Period my office met with the Minister for Justice and officials where possible. Meetings took place as follows:-

- 11th June 2020. I refer to exhibit KY/3m-INQ000188899, NICCY agenda. I refer to exhibit KY/3n-INQ000188900, a note of the meeting.

19. During the Specified Period my office met with the Minister for Communities and officials where possible. Meetings took place as follows:-

- a. 7th September 2020. I attach agenda at exhibit KY/3o- INQ000188901. I attach a note of the meeting at exhibit Y3/p- INQ000188902.
20. During the Specified Period my office met with the officials from the Department for Economies, where possible.
- a. 24th August 2021. I attach note of the meeting. I refer to exhibit KY/3Q INQ000188903.
21. During the Specified Period my office met with the Minister for Infrastructure and officials. Relevant meetings took place as follows:
- a. 4th May 2021. Please I refer to NICCY agenda at exhibit KY/3r-INQ000188904 and note of the meeting at exhibit KY/3s-INQ000188905.
22. During the Specified Period my office met with Junior Ministers. Relevant meetings took place as follows:
- a. 1st July 2020. I attach an agenda at KY/3t-INQ000188906. I attach a note of the meeting at exhibit KY/3u-INQ000188907.
- b. 14th April 2021. I attach an agenda at KY/3v-INQ000188908. I attach a note of the meeting at exhibit KY/3w-INQ000188909.
23. NICCY hosts meetings with Children's Champions on a bi-annual basis. These meetings commenced 11 years ago. At the inception, these meetings, involved a small number of the government Departments with whom NICCY worked with. This has evolved over time and provides a good opportunity for information sharing and discussion between NICCY and all of the Northern Ireland Government Departments and agencies. During the Specified Period Children's Champions meetings continued to take place. I include the minutes of relevant meetings as follows:
- a. 15th September 2020. I attach the minutes at exhibit KY/3x-INQ000188910.
- b. 3rd March 2021. I attach the minutes at exhibit KY/3y-INQ000188911
- c. 8th September 2021. I attach the minutes at exhibit KY/3z-INQ000188912
- d. 23rd March 2022. I attach the minutes at exhibit KY/3zi-INQ000188913.
24. I did have some private communication with the Ministers and Special Advisers from the Department for Communities and the Department for Education, and in the early stages of the pandemic some civil servants. This engagement was limited and was

for the purposes of maintaining relationships, providing context for our work or highlighting developments in other jurisdictions.

25. My office also commissioned and/or produced a number of key reports, examined the Executive response to the pandemic and made recommendations accordingly. These reports were a key element of the scrutiny exercised and advice provided by my office to the Executive during the Specified Period:

- a. *"A New and Better Normal: Children and Young People's Experiences of the Covid-19 Pandemic, August 2021"*: This report examined the Executive's response to the pandemic between July 2020 and May 2021 and made a number of recommendations. exhibit KY/4a-INQ000147138, KY/4b-INQ000147139, KY/4c-INQ000147140, KY/4d-INQ000147141 and . KY/4e-INQ000147142
- b. A Summary Report. I refer to exhibit KY/5-INQ000147154
- c. An Easy-Read version of the report. I refer to exhibit KY/6-INQ000147165.
- d. Children and Young People's Information Sheets for each of the main themes of the report. I refer to exhibit KY/7-INQ000147176.
- e. *"A New and Better Normal: The Impact of Covid-19 on the Planning and Delivery of Children's Services: A Rights Review, August 2021"*: My office commissioned this report by QUB. The overall purpose of the report was to identify the impacts of the Covid-19 pandemic on the planning and delivery of services to children and young people. I refer to exhibit KY/8a-INQ000147187, KY/8b-INQ000147188, KY/8c-INQ000147189 and KY/8d-INQ000147190.
- f. An assessment of the Government response to my recommendations made in *"A New and Better Normal"*. This assessment was published on 15th September 2022 and therefore outside the Specified Period. However, this assessment scrutinised the Government's response to our report and recommendations following publication in August 2021. The report therefore relates at least partially to scrutiny of the Government during the Specified Period. I refer to exhibit KY/9a-INQ000147201, KY/9b-INQ000147202 and KY/9c-INQ000147203.
- g. *"Statement on Children's Rights in Northern Ireland 2, November 2020"*. This outlines how NICCY believe our Government has fulfilled its commitment to the United Nations Convention on the rights of the Child and as part of this report, it sets out an initial analysis of areas of concern for children and young people caused by the Covid-19 pandemic. I refer to exhibit KY/10a-INQ000147092,

- exhibit KY/10b-INQ000147093, exhibit KY/10c-INQ000147094 and exhibit KY/10d-INQ000147095.
- h. *"Too little too late: Monitoring report 15th March 2022"*. This was a review in the context of NICCY's strategic policy to address and advise on educational inequalities and the promotion of inclusion and assessed the adequacy and effectiveness of special educational needs (hereafter "SEN") provision in mainstream schools. I refer to exhibit KY/11-INQ000147096.
 - i. *"Statement on Children's Rights in Northern Ireland 3"*. This looks at the key issues facing Children and Young People in Northern Ireland. I refer to exhibit KY/12A-INQ000147097, exhibit KY/12B-INQ000147098, exhibit KY/12C-INQ000147099 and exhibit KY/12D-INQ000147100.
 - j. In September 2018, NICCY published a *"Rights Based Review of Mental Health Services and Support for Children and Young People - Still Waiting"*. I refer to exhibit KY/13A-INQ000147101, exhibit KY/13B-INQ000147102, exhibit KY/13C-INQ000147103, exhibit KY/13D-INQ000147104, exhibit KY/13E-INQ000147105, exhibit KY/13F-INQ000147106, exhibit KY/13G-INQ000147107, exhibit KY/13H-INQ000147108 and exhibit KY/13I-INQ000147109. My office committed to monitoring the implementation of the 'Still Waiting' recommendations on an annual basis between 2020-2023. During the Specified Period my office published *"Still Waiting- Implementation NICCY Progress Update and Monitoring Report- February 2020"*, *"Still Waiting- Implementation NICCY Progress Update and Monitoring Report- February 2021"* and *"Still Waiting- Implementation NICCY Progress Update and Monitoring Report - February 2022"* and the content and implementation of these recommendations was at times impacted by the decision making during the Covid 19 pandemic. I refer to exhibit KY/14-INQ000147110, KY/15-INQ000147111, and KY/16-INQ000147112.
 - k. On 27th October 2022 NICCY published *"More Than a Number: A Rights Based Review of Child Health Waiting Lists 27th October 2022"*. I refer to exhibit KY/17-INQ000147113
 - l. Young Life and Times Technical Report. I refer to exhibit KY/17A-INQ000188879
 - m. Young Life and Times Data set. I refer to exhibit KY/17B-INQ000188880
 - n. Kids Life and Times Technical Report. I refer to exhibit KY/17C-INQ000188881
 - o. Kids Life and Times Data Set. I refer to exhibit KY/17D-INQ000188882

- p. Report of the Children's Commissioners of the UK to the United Nations Committee on the Rights of the Child dated December 2020. I refer to exhibit INQ000146347 and exhibit INQ000146348.

26. While some of the reports were commenced before the beginning of the Covid-19 pandemic or after the Specified Period, as the impact of the pandemic inevitably impacted the areas covered these issues were recorded, reflected upon, and responded to within the reports published during the Specified Period. The methodologies contained within set out the process by which information was gathered and analysed during the Specified Period and assisted in informing the views and advice given to Government Departments.

27. Our analysis of the impact on children and young people demonstrated that the inequalities present in our society, the vulnerabilities associated with disabilities, physical and mental ill health, and fault lines that existed in socio-economic difference and family circumstances amongst others, were greatly exacerbated. We reported that this led to widening of chasms in exposing the uneven impacts of the COVID- 19 pandemic responses on children and young people.

28. While it is acknowledged that no child was untouched by the pandemic, we concluded that the transition back to 'normal' was likely to be significantly more difficult for those children and young people who were not able to access critical services for months at a time, those who could not access health treatments, children whose parents lost their jobs, young people who suffered mental ill health, families with newborn babies, families facing poverty and/or mental health without access to the full range of support, those in secure justice or care settings and those who could not engage in education due to digital poverty, and vulnerable newcomer refugee or asylum seeking children. It remains my view that the needs of these children should continue to be prioritised as they continue to recover from the COVID- 19 pandemic.

29. It is necessary that an effective child rights approach should be embedded in government policy and service delivery prior to a public emergency. This will determine the degree to which their rights are prioritised during an emergency response. The extent to which this was the case during the COVID- 19 pandemic

varied across the spectrum of decisions made and throughout the Specified period. It is not possible to attribute good or bad approaches to this to particular Ministers, Departments or civil servants. This was continually evolving and varied from decision to decision. In the early stages of the pandemic the extent to which the assistance of my office was sought was limited. It was necessary for my office to proactively seek to assist and guide in decisions being reached. As the pandemic progressed in some cases my office was more actively involved in discussions before decisions were made. I have outlined the high level decisions below.

30. During this time my office and I were concerned about several matters that impacted upon the decision making response to include the invisibility of some vulnerable children and young people, the lack of adequate, timely and easily accessible data on critical matters, the withdrawal of critical services for children with highly complex needs, the insecurity of employment for parents in low-income families, access to children and young people to physical and mental health services, children and young people without digital devices and connectivity missing out on education.
31. In our analysis of the emergency legislation enacted during the COVID-19 pandemic, we were concerned that the process did not allow for meaningful engagement including NICCY and other relevant bodies. Although there was a need for this to be introduced, as the pandemic continued, we were concerned that extensive changes continued and were extended with limited scope for further scrutiny.
32. It was our view that the response and decision making during the pandemic was reactive. The limited planning for such public health emergencies prevented an effective response. Better planning and a more systematic and co-ordinated response by the Northern Ireland Executive would have assisted in ensuring children's rights and best interests are a primary consideration and would allow for meaningful and effective engagement with NICCY and other relevant bodies.

Supporting individual children and young people when rights were breached

33. During the Specified Period the NICCY Legal and Investigations team provided support to individual children and young people experiencing rights' breaches in relation to a wide range of issues.

34. Most queries received by the Legal and Investigations team in this respect related to education. These varied from calls to cancel exams, grading problems, the use of masks remote learning, access to digital devices to enable learning, lack of wi-fi, different approaches by different schools to and issues with the post-primary transfer process.

35. Other queries related to health waiting lists for children with additional needs, delays in health assessments, homelessness, access to respite services curtailed due to restrictions, and a lack of access to digital services required for home schooling.

Significant issues affecting children during the specified period identified by NICCY

36. My office has conducted an analysis of the key themes raised by new and unique queries made to our office as a result of the Covid-19 restrictions. I exhibit this analysis. I refer to KY/18-INQ000147114. My office also published Legal Annual Casework Reports that reported on the casework of the Legal and Investigation team during this time. I refer to exhibits KY/18A-INQ000188883 and exhibit KY18/B-INQ000188884.

37. As appears from this analysis, the key themes arising were as follows:

- a. School closures and impacts on mental health;
- b. Post-primary placements;
- c. Face masks;
- d. Predicted grades/GCSE and A Level results;
- e. Transfer test arrangements;
- f. Provision of services including delays to statutory assessment and respite;
- g. Teacher/key worker/social worker contact;
- h. Testing – pupils being tested/methods for SEN children;
- i. Access to Scoliosis treatment and appointments;
- j. Delays in access to health provision and treatment;
- k. Safeguarding issues;
- l. Respite services.

C. NICCY'S INVOLVEMENT IN KEY DECISION-MAKING BY THE EXECUTIVE

NICCY'S UNIQUE POSITION TO PROVIDE ADVICE ON KEY DECISIONS

38. My office is tasked to seek the views of children and young people and has procedures in place for doing so.
39. In the circumstances, my office was uniquely placed to advise the Executive on the impacts of the pandemic, and of Executive decision-making on children and young people, and I sought to engage with decision-makers and to provide advice accordingly.
40. However, the extent to which my advice was sought, and the extent to which the relevant decision-makers consulted or engaged meaningfully with my office, varied between decision-makers and between decisions. As the statutory independent child rights institution in Northern Ireland, NICCY was not sufficiently consulted, nor directly approached for advice on matters affecting children during the pandemic. Where advice was sought it has not always been done in a meaningful or timely way. Communication with NICCY improved over the course of the pandemic, such as engagement with officials leading on the vaccination programme, and NICCY provided advice on their communication strategy to children and families. NICCY would have expected to be directly consulted on a much more regular basis and for the purpose of advising on covid recovery plans relevant to children and young people and children's services. During the pandemic I was concerned about the lack of consultation of Department of Education. The changes and extension to relevant regulations, were with little or no opportunity to engage. I was more satisfied the response of the Department of Health who sought to engage with my office and made some of the amendments proposed following consideration of the position of my office and following a consultation and Child Right Impact Assessment in April 2021 did not extend the modifications to children's social care regulations. I was also satisfied with the with the engagement of the Youth Justice Agency and Juvenile Justice Centre. They were very open to engagement and advice.
41. The methods used to inform our advice included information received from research conducted and or/ commissioned by the office; engagement of our youth panel and referrals to our legal and investigations team; briefings from and meeting with Government Departments; and scrutinising information available to the public. Prior to the pandemic my office had conducted work publishing reports on the areas impacting children and young people in Northern Ireland in line with our Corporate

and Business Plans as referred to above. During the Covid-19 pandemic the monitoring of the implementation of these reports continued, and engagement with authorities set up in order to advance relevant recommendations became a method of informing our advice, as in many cases these were impacted by the Covid-19 pandemic.

42. In order to illustrate the involvement of my office in key decision-making, I will set out in turn some of the key decisions with respect to children and young people and with respect to each, as far as possible:

- a. identify the specific impact on children and young people as assessed by my office;
- b. identify the advice which I provided to the relevant decision-maker;
- c. identify the nature and extent of engagement between the decision-maker and my office.

43. Throughout the Covid-19 pandemic NICCY's periodic engagement with Government Departments and Committees continued, although it was at times disrupted as Departments and NICCY responded to the changing demands and priorities resulting from the Covid-19 pandemic. In the extraordinary circumstances of the Covid-19 pandemic, issues highlighted as appropriate and NICCY's views were at times sought by the relevant authorities. NICCY proactively sought direct engagement or issued advice on the issues that I assessed to be important and relevant to the lives of children and young people in Northern Ireland.

THE INITIAL RESPONSE BY THE EXECUTIVE TO THE PANDEMIC

44. In the early stages of the pandemic there was limited information available about the potential impact of the pandemic.

45. In March 2020 I attended a number of in-person meetings to discuss the potential impact of the pandemic on children and young people. I have exhibited notes of these meetings, where available. As previously indicated exhibited notes made of meetings were prepared for internal use as an aide-mémoire and are not minutes that have been subsequently agreed with the other parties present, unless otherwise stated.:

- a. On 13th March 2020 staff from my office and I met with the Department of Health and Dr Michael McBride, Chief Medical Officer (hereafter "CMO") to discuss the impact of the Covid-19 pandemic and was briefed on the NI Government's

- plans. The meeting was initiated by the Department of Health. I exhibit a note of this meeting at KY/19-INQ000147115.
- b. On 18th March 2020 I had a discussion with the Minister for Communities. Our discussion included the impact on families, particularly with regards to housing security, of the pandemic but again at that stage it was difficult to predict the impact.
 - c. On 19th March 2020 I meeting with the Minister of Health, Robin Swann. Our discussion was broad and the focus of the Department of Health was on the well-being of the population and those who were clinically vulnerable, particularly as it appeared likely that a lockdown was imminent.
 - d. On 18th/19th March I engaged by telephone with government officials on a number of issues including the provision of childcare, financial support for families in difficulties, and the provision of free school meal equivalent. Officials from the Department for Communities were the main point of contact on this discussion. They took a problem solving approach. On 26th March 2020 the Minister for Communities and the Minister for Education announced that families with children entitled to free school meals would receive direct payments of £2.70 per child per day. These were automatically processed and families were not required to apply. This arrangement was specific to Northern Ireland.
46. On 16th March 2020, as it became clear that schools would close, I reiterated by public call (through BBC NI) that provision for children's school meals were provided while children were out of school; that arrangements were in place for safe, good and free childcare (particularly for children where parents were frontline workers and would be required to continue working e.g for the NHS, in the social care sectors, and in children's residential homes); and I also stressed the need for arrangements to be put in place for children doing external exams, including GCSE's and A-Levels.
47. On 25th March 2020 the Coronavirus Act 2020 was enacted. It conferred broad powers on the Executive. For example, Schedule 18 of the 2020 Act inserted Part 1A into the Public Health (NI) Act 1967 to confer broad powers on the Department of Health to make regulations. Furthermore, Section.38 and Schedule 17 conferred powers on the Department of Education to give notices disapplying or modifying enactments.

48. The European Network of Ombudspersons for Children (hereafter “ENOC”), of which NICCY is a member and which I chaired (September 2019 – November 2020), issued the ENOC Bureau Statement of 1st April 2020, “Children’s rights in the context of the COVID-19 outbreak”, on the initial issues of concern for children and young people, including around information and participation, protection from violence and abuse, rights to health and development, to benefit from social security, and an adequate standard of living and education. This statement called upon the governments, the European Commission and the Council of Europe to undertake all appropriate actions to ensure that the rights of all children, as guaranteed by the UN Convention on the Rights of the Child (1989) and the General Comments of the UN Committee on the Rights of the Child, were respected during the COVID-19 healthcare crisis. I refer to exhibit KY/20-INQ000147117. On the 8th April 2020 I sent an email to all Members of the Legislative Assembly (MLAs) for Northern Ireland and Government Departments advising them of the ongoing work of our office e.g. case work function and advice to government. I also issued a copy of the ENOC Statement highlighting the need to work to protect children’s rights in the context on the Covid-19 pandemic and the challenges it presented. I refer to exhibit INQ000147118.

49. I highlighted some of the areas of concern, including vulnerable children and families, isolation, confinement, poverty, and stress. While there was clearly a need for emergency legislation to be introduced in response to the pandemic, nevertheless given that the powers were put in place for a period of two years the limited legislative scrutiny was a matter for concern. Arguably this was justifiable at the start of the pandemic when extensive changes were required within a very short period. However, over time, the accountability processes should have been extended again in a proportionate manner to allow for more engagement with relevant bodies, such as my office, for more meaningful scrutiny of the many regulations made. Over the course of the pandemic, and with the continued changes to regulations and the continued temporary modifications of legislation affecting children, I became concerned that children’s rights were not appropriately being taken into account before changes were made. I will address this further below in relation to specific changes.

COMMUNICATION BY THE EXECUTIVE WITH CHILDREN AND YOUNG PEOPLE

50. During the pandemic I was concerned, particularly in the early stages, when there was little in the way of information accessible to children, and parents were suddenly having to address many practical difficulties in terms of supporting their children's education, allaying anxieties, and understanding the restrictions applied. From the start of the Covid-19 pandemic NICCY's Legal and Investigations team received referrals seeking clarification or concerns about information that parents believed in relation to issues affecting children as a result of the pandemic.
51. On 22nd April 2020 I wrote to the Minister for Education and noted that many national leaders across the world had been holding press conferences with children. I recommended that the Minister and his Executive colleagues consider such a series of events (addressing different aspects) during the Covid crisis. I offered to provide any advice that the Minister might require to make such press conferences a success. I refer to exhibit KY/22-INQ000147119.
52. At a meeting with the Minister for Education on 7th May 2020 I again raised the issue. I refer to exhibit KY/23-INQ000147120.
53. On 12th May 2020 I wrote to the First and Deputy First Ministers in similar terms, noting that leaders across the world had held press conferences with children, and recommending that the Executive consider such an event or preferably a series of events during the Covid-19 crisis. Again, I offered to provide any advice that might assist to make such conferences a success. I refer to exhibit KY/24-INQ000147121.
54. On 8th March 2021 I again wrote to the First and Deputy First Ministers of Northern Ireland in similar terms, re-iterating my previous request for press conferences with young people and seeking a meeting. I refer to exhibit KY/25-INQ000147122.
55. Although a press conference was organised, this was subsequently cancelled due to the position taken by the political parties not to hold joint engagements. I was extremely disappointed by the failure to convene this press conference. This was an opportunity for the Executive to remind children that even though they were those least likely to be directly affected by the virus, other aspects of their lives would be deeply impacted on and that their government was aware of these affects. It would have been an opportunity to confirm what steps they were taking to address these and respond to their anxieties, concerns and experiences. Young people highlighted

the lack of clarity in communication and information received about COVID-19 from both health and education perspectives, referencing confusion and mixed messages. They were very critical about how they felt their voices were not heard throughout lockdown, leading to little faith and confidence in leadership from Government and a question as to whether political leaders had their best interests to the fore. The NICCY Youth Panel had prepared questions for the Government at this press conference. This press conference would have gone some way towards engaging and reassuring children and young people.

56. During the course of the pandemic, I continued to have regular engagement with the NICCY Youth Panel. As stated above, there were a significant number of meetings that discussed many of the issues children and young people were experiencing during the pandemic. These often focused on the issues of education and health and these meetings, in addition to meetings and work with other stakeholders assisted in forming my views on the actions necessary to meet the needs and protect the rights of children and young people during the pandemic. The extent to which this information was sought from me and relied upon varied between decision makers. I was concerned about the extent to which decision makers actively sought advice from my office and particularly the views and involvement of children and young people during the decision-making processes. The Department of Health engaged relatively well with my office during the Covid- 19 pandemic. I was also reasonably satisfied with the engagement of the Department for Communities and Department of Justice. As indicated above, I do not believe that the Department of Education engaged as well as it could have done with my office during the Covid- 19 pandemic. An assessment of the Government response to my recommendations made in "A New and Better Normal" exhibited at KY/9A-[INQ000147201](#), KY/9B-[INQ000147202](#) and KY/9C-[INQ000147203](#) concluded that there was insufficient evidence or examples of meaningful and ongoing engagement with children and young people during different phases of the pandemic. A lack of meaningful direct engagement with children and young people by Government is a persistent problem, and this deficiency was spotlighted during the pandemic when communication with the public was vital. Mechanism and structures to facilitate feedback between children and Government and all public services need embedded into the way government and public services carry out their work.

MODIFICATION OF CHILDREN'S SOCIAL CARE DUTIES

57. On 21st April 2020 NICCY emailed the Department of Health as I had become aware that the Health Committee had received an urgent letter from the Department of Health proposing amendments to the emergency legislation in relation to Covid-19. I confirmed that my office should be copied into the relevant correspondence advising of our role as I could see it at that time and I requested a meeting in relation to the proposed draft Children's Social Care (Coronavirus) (Temporary Modification of Children's Social Care) Regulations (NI) 2020. NICCY were provided with a copy of the letter referred to, along with a summary of the proposals and a meeting was arranged. I refer to exhibit KY/26-INQ000147123.
58. Following email correspondence in which I sought clarification in relation to the proposals, the Childcare and Family Policy Directorate in the Department of Health provided me with a copy of the opening statement provided to the Health Committee on 23rd April 2020.
59. On 1st May 2020 I met staff from the Childcare and Family Policy Directorate in the Department of Health and communicated my observations and concerns regarding the draft Regulations. In particular, I emphasised that the draft Regulations should not be used unless a clear threshold, with specified criteria, of the need for such use was evidenced in each case. I communicated my view that the Guidance for the Regulations did not establish a suitably rigorous process for ensuring that the Regulations were only used where absolutely necessary, and I emphasised my view that this should be addressed as a matter of urgency. I also highlighted the need for further information around monitoring and accountability of the measures.
60. On 4th May 2020 I wrote to the Director, Childcare and Family Policy Directorate in the Department of Health to reiterate the observations and concerns that I had raised in our meeting. I refer to exhibit KY/27-INQ000147124.
61. The Regulations were then made on 6th May 2020 and came into operation on 7th May 2020. Following the engagement with my office, with the Health Committee and with NGOs, the Department had made a small number of positive changes to the Regulations and Guidance, including strengthening the sunset clause, removing the proposals to extend the period that children can be detained in secure care with the authority of the court; and providing some increased clarity in relation to the use of the measures and extended timescales. The Guidance also stated that the Department would engage with my office in considering whether to amend or revoke the

Regulations. However, I remained extremely concerned that the threshold for determining the need to use the Regulations was not sufficiently robust.

62. On 26th May 2020 I wrote to the Chair of the Health Committee, highlighting my concerns and also addressing wider issues regarding the care and protection of children at this time including children in need and mental health provision and special education needs provision. I refer to exhibit KY/28-INQ000147125.
63. In October 2020 the Department of Health extended the Children's Social Care (Coronavirus) Regulations (NI) 2020.
64. On 3rd November 2020 my office contacted the Department and expressed concern at the Department's proposals to extend the duration of all provisions in the Regulations and to reduce the frequency of Monitoring Reports. This letter sought an opportunity to discuss the Regulations and the measures which are in place to enable children's social care to continue to support and protect children and families. I refer to exhibit KY/29-INQ000147126.
65. On 6th November the Chair of the Health Committee contacted my office advising of the intention to extend the Children's Social Care (Coronavirus) Regulations (NI) 2020. I refer to exhibit INQ000146355. They sought my views by 16th November 2020. I refer to exhibit KY/30- INQ000147128.
66. I met with officials from the Department of Health on the 11th of November and on the next day I wrote to the Health Committee and copied in the Department of Health, expressing further concerns at the proposals to extend the duration of the Regulations and recommending the continuation of monitoring reports, information on the actions being taken to mitigate the impact of the use of the Regulations and that the Department should commit to revoking the regulations at the earliest opportunity. I refer to exhibit KY/31-INQ000147129.
67. At the end of the extension referred to above, I was made aware of the proposals to further extend aspects of the Regulations for a further six month period and my views were sought. I met with the Minister and officials on 21st April 2021 as referred to above. I discussed my ongoing concerns and advised that a response would be issued by the deadline of 22nd April referred to below.

68. On 22nd April 2021 I replied setting out my views and concerns with respect to this proposal. In relation to the legislative process, I was concerned that the formal two week consultation period was not sufficient to ensure adequate engagement and scrutiny of the proposals. I urged the Department to put in place a more robust consultation and scrutiny process. I welcomed that the Department did not seek to simply extend the regulations in full. In particular, we welcomed that provisions regarding extending timeframes for undertaking children's reviews and pathway plans as well as modifications to fast tracked vetting and modification to the representations and complaints procedures were not being included. I remained concerned that the modifications proposed in relation to permitting visits to looked after children by social workers and visits to children's homes by registered providers to be undertaken virtually, to extend the timeframes for emergency placement with foster carers, for immediate placement including with kinship foster carers prior to approval and extending Regulations in relation to completing foster carer reviews could place vulnerable children at risk as well negatively impacting those who cared for them. I advocated for such measures be subject to increased conditionality and that the provisions were used with increased exceptionality and in direct response to Covid-19. I was also concerned about children in care and in secure care and their expressed views that they were deeply concerned about the impact of only having contact with social workers and family members by telephone or virtually. I was also concerned that these extensions were not used to address pre-existing difficulties in meeting statutory standards prior to the pandemic and sought that further evidence was used to demonstrate the use of the extended Regulations for the purpose for which they were intended. We were also concerned that a 6 month extension was sought. We proposed that if any extension was pursued that this should only be for a maximum of 3 months and requested that the Department set out the threshold at which the Regulations would not be considered necessary. I refer to exhibit KY/32-INQ000147130.

69. Consultation opened on 8th April 2021 and closed on 22nd April 2021 and a Child Right Impact Assessment was completed in relation to the proposals to extend the modifications to children's social care regulations. I refer to exhibit KY32a-INQ000207322, a Child Right Impact Assessment completed by the Department of Health. As a result, the modification ceased to have effect from 7th May 2021. This was welcomed by my office.

70. My office continued to monitor the impact of the Covid-19 pandemic through “*A New and Better Normal. August 2021*” an assessment of the Government response to the recommendations made in “*A New and Better Normal*” as referred to above.

TEMPORARY MODIFICATION OF EDUCATION DUTIES

71. Section 38 of the Coronavirus Act 2020 and Schedule 17 empowered the Department of Education to make temporary modifications to education duties. The Department of Education used its powers to temporarily replace certain education duties with duties to “use best endeavours”. This approach was applied to Articles 6 to 21B of the Education (NI) Order 1996 (duties in relation to special educational needs) and Regulations 5 to 22 of the Education (Special Educational Needs) Regulations (NI) 2005. This approach was continually renewed by multiple notices over a prolonged period.
72. My office assessed that this temporary modification of duties was having a particularly detrimental impact on children with SEN, who were already beset with extensive delays and waiting times in service identification and provision. Many of these children, their parents, carers, and siblings informed us that they were at breaking point.
73. In response to an email sent by my office on 30th March 2020, the Department of Education wrote to my offices on 20th April 2020 in respect of concerns in respect of arrangements for children with additional needs, they advised that the position was exceptionally fast moving. It advised that the Department had issued specific guidance in regard to vulnerable children and young people and set out some initial arrangements. I attach exhibit INQ000146407.
74. The Department of Education wrote to me in April 2020 advising of the Temporary Modification of Education Duties by way of relevant notices. This correspondence requested that I bring these letters to the attention of relevant stakeholders. They did not seek my views. I refer to exhibit KY/33- INQ000147131 and exhibit KY/34- INQ000147132.
75. At a meeting with the Minister for Education on 7th May 2020 I raised that the Department of Health were engaging with us in relation to the relevant regulations in

respect of health. Although there were discussion on issues including remote learning issues and access to IT for pupils, the importance of continuity, vulnerable children in school, PPE, and other practicalities, I was concerned about the limited consultation with my office on the initial and subsequent notices. I refer to exhibit KY/23-INQ000147120 (referred to above).

76. My office received a further letter from the Department of Education on 4th June 2020 advising of further extension and serving Notice of the same. Again, my views had not been sought. I refer to exhibit KY/35-INQ000147133.

77. I repeatedly voiced my concern about the impact of these temporary modifications on statutory SEN operations, supports, and services. I also repeatedly expressed my concern about the lack of clarity surrounding “best endeavours”, and that no minimum requirements were outlined to the Education Authority, health and social authorities, or schools on the delivery of best endeavours, nor had the Department established a mechanism for monitoring what was delivered since the Modification Notice came into effect. The full impact on children of the modification notices was not therefore unknown and this was exacerbated by a lack of consultation on the ongoing renewal of the Modifications Notices.

78. My office received correspondence from the Education Minister on 1st July 2020 which informed that the No.7 Notice was due to expire that same day and that a further Notice (No.9) would be made from 2nd July; a copy of the No.9 Notice was sent alongside that correspondence. I refer to exhibit KY/36- INQ000147134. Following this, on the 6th July, we received a letter from the Department inviting comments in relation to the requirement for continued modification by 5pm on the 9th July 2020 however the No.9 Notice had already come into effect by that stage. I refer to exhibit KY/37-INQ000147135

79. I issued a response to the Minister on the 7th July within which I reiterated my deep opposition to the proposal that the full range of provision may not be made available as set out in an individual’s statement of SEN but would be delivered on a best endeavour duty. In this same letter, I noted the lack of consultation by the Department with regards the Modifications Notice and indicated that this difficult situation for children and young people was exacerbated by a lack of consultation on the ongoing renewal of the Modifications Notice. I refer to exhibit KY/38-INQ000147136.

80. The Minister for Education responded to my letter of 7th July 2020 on the 28th July 2020 indicating that the changing profile of the virus, its presentation and the expert advice regarding its containment and management called for swift, difficult and innovative decisions to be taken. I refer to KY/38A-INQ000188886. The Department wrote to me on 4th August 2020 advising of a further 28 day extension of the Notice which commenced on 29th July and invited my response by Monday 17th August 2020. I refer to exhibit KY/39-INQ000147137.

81. I wrote a further response to the Minister on 17th August 2020 in similar terms as set out above. I refer to exhibit KY/40- INQ000147143.

82. On 20th December 2021 I wrote to the Special Education Team in the Department of Education and outlined my advice and concerns relating to the Department's Contingency Framework for Vulnerable Children and Young People. I attach the draft guidance. I refer to exhibit KY/40A-INQ000188914 The Department gave us a very short timeframe for responding to and advising on the Framework. I provided the Department with advice on the definition of vulnerable children and young people and I recommended that the definition be expanded to include Roma and Traveller children. I also recommended that the Level 3 and Level 4 proposals should be changed to ensure appropriate protection of vulnerable children; I recommended that the Department give further consideration to the issue of exams; and I recommended that the Department consider undertaking a Child's Rights Impact Assessment. I refer to my letter to the Department at exhibit KY/43-INQ000147147. The published guidance implemented several of NICCY's recommendations to include expanding the definition of a vulnerable children and young people to include a child/young person identified from the Traveller or Roma community, to include that at level 2 all vulnerable children and young people in line with the definition continue to attend school and that vulnerable children and young people should be, at level 3 provision given priority onsite school access. I am not aware of a Child's Rights Impact Assessment being undertaken.

83. My office engaged where possible with the Department of Education at meetings as set out above.

84. My office continued to engage with periodic meetings with the Education Authority and other relevant authorities referred to below, which included continued discussions in relation to the same.
85. My office also continued to monitor the actions and impact of the Covid-19 pandemic through *"A New and Better Normal. August 2021"*, which was an assessment of the Government response to the recommendations made in *"A New and Better Normal"* as referred to above.

CROSS DEPARTMENTAL COVID-19 VULNERABLE CHILDREN AND YOUNG PEOPLE'S PLAN

86. The plan was developed in response to the challenges and risks faced by children, young people, and their families due to the Covid-19 pandemic and was intended to reflect a series of activities that were to be undertaken across the Executive to meet the needs of vulnerable children, young people, and their families during the pandemic and in the recovery period after. The Department of Health led on the development of the Plan, which was been produced on a cross-departmental basis with the Department for Communities, Department of Education, Department of Justice, and Department for the Economy.
87. On 3rd April 2020 a meeting took place between the Director for Inclusion and Well-being in the Department of Education and I, as an introductory meeting. He confirmed that a cross departmental plan for vulnerable children and young people would be developed. I refer to exhibit KY/40A-INQ000147144.
88. On 17th April, my office wrote to the Department of Education seeking clarification in relation to the plan for vulnerable children. My office received a reply on 28th April confirming some of the arrangements in place and confirming that they had received a draft copy of the cross departmental plan for children and young people and for input which they would populate over the next couple of days. I refer to email trail at exhibit KY/41-INQ000147145.
89. On 28th May 2020 I met the Northern Health and Social Care Trust. This was initiated by the Trust to discuss Child and Adolescent Mental Health Service provision, including to discuss our role in ensuring a consistent approach in ensuring children,

encompassing vulnerable children and young people being offered provision in line with government recommendations.

90. In September 2020 the Departments of Health and Education published a consultation on the Cross-Departmental Covid-19 Vulnerable Children and Young People's Plan.

91. On 11th November 2020 I wrote to the Director of Family and Children's Policy, Department of Health, and welcomed the development of the cross-departmental plan. I expressed my view that it was critical that timely, robust, and targeted supports were provided to protect vulnerable children, young people, and their families during that time and in the recovery period after. I then set out my advice on the plan taking into account recent Department of Health statistics, considering the aims and objectives, the definition of Vulnerable Children and Young People, and the structure and content of the Plan. I refer to exhibit KY/42- [INQ000147146](#).

92. Rather than revising this in response to the feedback provided and taken forward as a discrete action plan it was decided that it would be subsumed into existing strategy development and services planning, including the Children and Young People's Strategy and the Anti-Poverty Strategy. Subsuming it in this way has meant that we can no longer I refer to how specific actions for vulnerable children, particularly during the short to medium term, have been progressed through a broader action plan.

APPROACH TO GCSE AND 'A' LEVEL EXAMINATIONS

GCSEs and A-Levels for academic year ending June 2020

93. On 19th March 2020 the Minister for Education announced that GCSE and 'A' Level exams would not go ahead in summer 2020 due to the pandemic. He indicated that pupils would still receive results and that the Council for Curriculums, Examination and Assessment (hereafter "CCEA"), with the other awarding organisations, would develop a robust process for awarding grades. We engaged extensively with CCEA.

94. On 16th April 2020 the Minister for Education announced process by which grades would be determined. He further announced that CCEA would develop an appeals process for pupils unhappy with their result.

95. On 14th May 2020 there was a meeting of the NICCY Youth Panel to discuss the proposed CCEA Appeals Process and obtain their views and concerns. I refer to record of the meeting at exhibit KY/44-INQ000147148.

96. On 21st May 2020 I wrote to CCEA and provided comprehensive advice with respect to CCEA's appeal process for the summer 2020 awarding of GCSE, AS, and A Level qualifications. I refer to letter and advice at exhibit KY/45- INQ000147149.

97. Based on the assurances given by CCEA, NICCY was broadly content with the decision making process to award grades and the appeals process at that time. It was only as further information emerged following the issuing of results that NICCY become aware of the use of algorithms and formulas.

GCSE, AS and A-Levels for academic year ending June 2021

98. In 27th October 2020 I met with the NICCY Youth Panel. Although the schools had re-opened the young people and in particular those sitting exams, were feeling unprepared and particularly stressed. They felt that insufficient consideration had been given to the loss of learning during the previous academic year. They advised me that this, in addition to the covid restrictions in school made it an extremely stressful environment. They expressed the feeling that due to uncertainty around examination procedure that schools were trying to record academic achievement at every turn. This placed an enormous pressure on both young people and staff to always perform at their "best". They expressed that they felt that class tests were likely to determine their GCSE results; that they were under immense stress; that there was an underlying tone of panic; and that the relationships with their teachers were negatively impacted. I was extremely concerned by what the young people were describing and the extent of their stress and anxiety about their exams. They felt that measures to support their mental health and well-being had been abandoned. It was apparent that children could not continue to live this way and that it was necessary for urgent action to be taken.

99. On 2nd, 6th, and 9th November 2020 I met with the five recognised teaching unions and ASCL to assess experiences of their members and raised my concerns about the impact of the uncertainty on young people. They reflected on their experiences and

raised the issues of the transfer tests. There was not unanimous agreement whether the January 2021 and Summer 2021 exams should be cancelled.

100. On 9th November 2020 I had a meeting with CCEA. They expressed disappointment that the curriculum authority for Wales had cancelled exams, and indicated concerned about the fairness of the 2021 system if exams were cancelled.
101. On 9th November 2020 I met with the Secondary Students' Union of Northern Ireland. They expressed a very clear view that exams should be cancelled and alternative arrangements be put in place.
102. Prior to issuing my statement on the need for the cancellation of exams, I had a telephone call with the Minister for Education. I advised him of my position. The Minister strongly disagreed with my view and expressed concerns that this would be unfair.
103. On 10th November 2020 I called for the cancellation of GCSEs and A Levels.
104. On 15th December 2020 the Minister for Education announced that he would not be cancelling exams. He published some information in relation to alternative exam arrangements for young people.
105. On 6th January 2021 the Minister for Education announced that he would cancel all GCSE's, AS, and A2 exams and on 2nd February 2021 he set out the details of the assessment arrangements.
106. On 26th January 2021 the NICCY Youth Panel provided feedback on the CCEA Student Guide for Review. I exhibit a copy of this feedback at KY/46- INQ000147150.
107. On 7th May 2021 the NICCY Youth Panel held a discussion relating to CCEA Appeals. This was a question-and-answer session to provide information to members of the Panel. I refer to record at exhibit KY/47-INQ000147151.

108. On 18th and 27th August 2021 I received emails from CCEA requesting the feedback to inform a report on the issues for GSCE and A-levels in Design, Implementation, Management and Communication of the approach that year. I understood that it sought to identify key lessons which might impact a future series conducted by alternative arrangements. I refer to email trail at exhibit KY/48-INQ000147152.
109. My office designed a short survey on the issues. This was forwarded to the NICCY Youth Panel for their feedback. We requested a response by 6th September 2021.
110. On 7th September 2021 my office provided the feedback from the NICCY Youth Panel and details of relevant queries received by the Legal and Investigations Team. I refer to exhibit KY/48- INQ000147152 (referred to above) and feedback from the Youth Panel. I refer to exhibit KY/49-INQ000147153.
111. My office conducted a further session with the NICCY Youth Panel on 19th November 2021. I refer to exhibit KY/50-INQ000147155.

TRANSFER TEST

112. Legal and Investigation referrals highlighted this as a significant issue effecting children and young people. I was concerned about well-being of children and young people, the inequality of access to education support and provision, and the mental health needs of children and young people.
113. On 11th May 2020 one of the bodies that organises the transfer tests – the Association of Quality Education (hereafter “AQE”) – issued a statement on its website indicating that the transfer tests conducted by AQE and the Post Primary Transfer Consortium (hereafter “PPTC”) would be held in November and December 2020. They further indicated that, for logistical reasons, the Department of Education had been unable to accede to AQE’s proposal to delay the tests until January 2021.
114. On the same day I issued a statement expressing my deep disappointment at this announcement. I expressed my view that it was not fair to ask 10 and 11 year old

children to prepare for tests under the current conditions and it would place them all under significant stress. I called for predicted grades to be used (in the same way that predicted grades were to be used for GCSE and 'A' Level students). I refer to exhibit KY/51-INQ000147156.

115. On 12th May 2020 I wrote to the Clerk to the Education Committee in the Northern Ireland Assembly. I attached a copy of my statement of the previous afternoon and reiterated my view that it was unreasonable and cruel to ask children to be prepared for an exam at the end of November. I refer to exhibit KY/52-INQ000147157.

116. I also wrote an open letter to principals of selective post-primary schools expressing concerns over academic selection during the Covid-19 pandemic, highlighting my concern that academic selection was being maintained for the new term in August. I refer to exhibit KY/53-INQ000147158.

117. On 12th January 2021 I wrote to the Minister for Education in relation to the cancellation of the transfer test by AQE who were now proposing to run a single test on 27th February 2021. I made clear that in my view, it was not in children's best interests to proceed with the transfer test this year given the disruption to their education. I noted that the Minister was not responsible for running the AQE tests but that it was possible for him to prevent the transfer test being held. I strongly urged him to do so and to work with AQE, grammar and primary schools, parents and other stakeholders to reach an agreed alternative as a matter of urgency. I refer to exhibit KY/54-INQ000147159.

SCHOOL CLOSURES AND REOPENING

118. In the initial stages of the pandemic NICCY appreciated that all energies were focussed on controlling the virus and protecting the elderly and vulnerable. At that time, it appeared that in order to do that, schools were not in a position to open safely and with confidence until September 2020.

119. On 17th June 2020 I met with the Department of Education team tasked with creating guidance for the re-opening of schools. At this meeting I raised concerns about separation of children who developed symptoms. I was assured that the

guidance would clearly advise that any separation would be in accordance with the child's dignity.

120. On 22nd June 2020 I issued an advice paper 'A Child's Right to Education and Covid-19 - Next Steps, A Child Rights Approach'. This set out my advice with respect to a number of educational issues, including the approach to provision of education going forward (in the context of a lack of clear guidance from the Department and the prospect that a blended approach would be required going forward); and the approach to re-opening schools in September 2020. I made a number of recommendations with respect to the summer months and educational issues once schools reopened in the new term. I refer to exhibit KY/55-INQ000147160.
121. On 29th June 2020, I also issued guidance on the re-opening of special schools. This recorded my concerns in respect of some aspects of the Department of Health guidance. These included concerns about the guidance failing to adequately address the proposal that special schools should determine the level of children that they could accommodate and the concern about the suggestion that children should be educated remotely for a large percentage of the week and called for further guidance on several issues addressed within the guidance. I refer to exhibit KY/56-INQ000147161. On 25th June 2020 I sent an email to the Director of Inclusion and Wellbeing at the Northern Ireland Department of Education enclosing this guidance. I refer to exhibit KY/57-INQ000147162.
122. On 1st July I received a letter from the Department of Education, responding. It sought to reassure me that the guidance was a live document and that they would work with school leaders as they implemented the guidance to identify any areas that required refinement or additional information. I refer to exhibit KY//58-INQ000147163.
123. On 20th July 2020 I wrote to the Department and raised a specific concern about the Department's guidance for re-opening schools. In particular, the guidance indicated that a child awaiting collection should be moved to a room where they could be isolated behind a closed door. I urged the Department to issue further guidance which explicitly stated that no child in primary school should be kept in a room behind a closed door without an adult with them. I also offered further advice and support if required. I refer to exhibit KY/59- INQ000147164.

124. On 6th August 2020 the Minister for Education announced that all pupils would be returning to school on a full-time basis from week commencing 31st August 2020.

125. On 10th August 2020 I wrote to the Minister and conveyed my support for the Minister's announcement regarding full-time return to school. However, I recognised that some children and young people, parents, and school staff were concerned about the full-time return to school. I therefore set out my comprehensive advice on what was required to facilitate the safe, sustainable, and effective re-opening of all our schools. This advice was intended to build upon the advice paper which I had published on 22nd June 2020. I refer to exhibit KY/60-INQ000147166.

126. On the 13th August 2020 the Department of Education issues updated guidance for re-opening schools. On the same date, I emailed the Minister due to a number of inquiries from concerned parents who were worried about information that had been circulating regarding emergency legislation regarding the removal from schools around the detention and testing of children, without parental consent, on the re-opening of schools. I advised that while my office had no knowledge of such measures that it had proved difficult to stay fully apprised of all emergency Covid provisions. I refer to KY60a-INQ000188915. I received a reply from the Minister on 25th August 2020 referring to the Northern Ireland Re-opening Schools Guidance and referring to the section that dealt with a pupil becoming symptomatic on site. I refer to exhibit KY/60b-INQ000188916.

127. On 26th August 2020 I again wrote to the Minister to synthesise and update my previous advice concerning the re-opening of schools. I refer to exhibit KY/61-INQ000147167. This correspondence again set out my comprehensive advice in this regard, including advice on:

- a. Face coverings;
- b. The use of reviews, monitoring, information provision, guidance, contingency plans and effective communication and listening to children, young people and parents;
- c. Risk assessments and protecting the most vulnerable;
- d. Clarity on the approach to ensuring educational continuity;
- e. Managing positive cases and outbreaks;
- f. Support for children and young people who display symptoms;
- g. Social distancing;
- h. School transport;

- i. Pupils with Special Educational Needs;
- j. School meals;
- k. Funding;
- l. Curriculum delivery;
- m. Blended learning.

128. On 27th August 2020, I received a response from the Minister to my letter of 10th August 2020. This set out the arrangements in place in relation the return to school however declined an offer to meet to discuss my concerns. I refer to exhibit KY/61A-INQ000188917. On 16th October 2020 I emailed officials within the Department of Education and sought an update on certain issues, including with respect to the latest iteration of the "*Coronavirus (COVID-19): Guidance for schools and educational settings in Northern Ireland*". I refer to exhibit KY/62-INQ000147168

129. On 11th May 2021 I wrote to the Minister of Education in view of announcements which had been made in England with respect to the wearing of facemasks by young people in post-primary schools, and enquired whether similar considerations had been given to removing the guidance in place in this jurisdiction. I refer to exhibit KY/63-INQ000147169.

130. On 23rd August 2021 my office met with the Chief Executive and other officials in the Education Authority. We were provided with an update on key issues in respect of return to school plans for September 2021. I refer to my office's record of this meeting at exhibit KY/64-INQ000147170.

131. On 30th November 2021 the NICCY Youth Panel met and shared their thoughts in relation to Covid-19. I refer to a record of this meeting at exhibit KY/50-INQ000147155 (referred to above). As appears from this record, there was significant concern amongst the panel about the approach to exams and the inadequate communication regarding same.

132. On 3rd December 2021 I met with staff and pupils at a secondary school. The purpose of this meeting was to obtain feedback on issues that the school had been facing. We discussed CO2 monitors and ventilation, staffing issues, pupils not returning to school, the burden of return to school on pupils, exams and the stress of these, the workload pupils were now facing, the removal of practical examinations,

and the failure to properly listen to teachers. I refer to my office's record of this meeting at exhibit KY/65-INQ000147171.

133. On 21st January 2022 I wrote to the Minister of Education in light of the further easing of restrictions and asked that she give consideration to revising the guidance so that face coverings are no longer required to be worn in post-primary schools as soon as possible. I refer to exhibit KY/66-INQ000147172.

134. On 14th February 2022 I met with the Minister of Education and officials from the Department. This meeting covered a number of issues relation to children and young people in education but item 6 on the agenda specifically related to issues arising from Covid-19, including:

- a. Health and safety measures in school;
- b. Process monitoring of measures;
- c. Monitoring of availability of school staff;
- d. Process by which consideration re exams arrangements will be taken;
- e. Monitoring of flexibility of uniform policies.

135. I indicated at this meeting that there was a lack of clarity around who makes decisions on lifting restrictions e.g. wearing masks in school, and whether this was an Executive or Ministerial decision. The Minister indicated that she had written to Minister Swann, but had been led by scientific advice, and that she would issue advice to schools once she had had further discussion with Minister Swann. She said that the Department of Education still tied in with Public Health Advice. There was further discussion on masks, as well as CO2 monitors and ventilation issues. However, the Minister started to lose wifi connection and not all items under agenda point 6 were discussed due to time constraints. Finally there was discussion about the numbers of children missing from school and/or not returning to school following on from the pandemic, and the Department had been helpful in providing statistics to my office on this. I indicated that we would continue to work on this issue alongside the Department. I refer to a note of the meeting at exhibit KY/67-INQ000147173.

ENGAGEMENT WITH THE EDUCATION AUTHORITY, EDUCATION TRAINING INSPECTORATE (ETI) AND COUNCIL FOR CATHOLIC MAINTAINED SCHOOLS AND EDUCATION (CCMS)

136. NICCY engages with the Education Authority (hereafter "EA") on a quarterly basis in exercising the statutory function of advising and scrutinising relevant authorities and monitoring the implementation of recommendations of relevant reports. During the Covid 19 pandemic our engagement with the EA continued, including on 24th November 2020 (See NICCY contact report at INQ0001466398), 1st April 2021, 25th June 2021 (See NICCY contact record exhibited at INQ000146399), 8th November 2021, and 21st February 2022 (See NICCY contact record exhibited at INQ000146390).
137. NICCY also engaged with Education Training Inspectorate on 25th November 2021, and Council for Catholic Maintained Schools on 22th February 2021, 1st September 2021, and 10th March 2022.
138. Through the Specified Period these meetings continued to be a mechanism for engagement with and advice to the relevant authority on the action being taken in response to Covid-19 pandemic and allowed NICCY to highlight areas of concern and seek action in relation to the same.
139. During the meetings my team and I sought clarification on and provided advice on many of the issues arising as a result of the Covid-19 pandemic. The issues discussed included the re-opening of schools; risk assessments; mandatory school attendance; the Education Welfare Service; deregistration from school; vulnerable children; free school meals; mental health issues in schools as a result of the pandemic; Education Other Than At School (hereafter "EOTAS"); additional year extensions; SEN provision; The Vulnerable Children and Young People's plan; digital services and access to education; ventilation; and monitors in school and school transport.

MEASURES TO ADDRESS ISSUES AFFECTING CHILDREN AND YOUNG PEOPLE'S MENTAL HEALTH

140. In September 2018 NICCY published a Rights Based Review of Mental Health Services and Support for Children and Young People - '**Still Waiting**', this report was produced in accordance with the powers and functions set out in the NICCY Order.
141. The report made a series of recommendations and committed to annual monitoring of the implementation of the recommendations.

142. During the Specified Period NICCY issued monitoring reports in February 2020, February 2021, and February 2022. I refer to exhibits KY/14-INQ000147110, KY/15-INQ000147111, and KY/16-INQ000147112 (referred to above). NICCY engaged with the relevant stakeholders including Government Departments and gathered evidence to support the assessments. The implementation of these recommendations were inevitably impacted by the Covid-19 pandemic, and through these monitoring reports and engagement with Government Departments and relevant authorities we continued to reiterate our concerns in respect of mental health provision for children and young people highlighting the impact of the Covid-19 pandemic and the government response.

143. Oral evidence was provided to the Health and Education Committees on 9th February 2022.

144. On 5th January 2021 I wrote to the Chairperson of the Covid-19 Silver Cell Sub Group in the Health and Social Care Board. I requested any relevant papers and reports which highlighted the key issues identified and actions taken to address the impact of the pandemic on children and young people's mental health. Thereafter I proposed a meeting to discuss this area in more detail. I refer to exhibit KY/68-INQ000147174.

145. On 27th January 2021 the Chairperson of the Covid-19 Silver Cell Sub Group wrote and provided an overview of the working group together with background papers and agreed to facilitate a meeting. I refer to exhibit KY/68A-INQ000188918.

146. On 8th February 2021 my office replied and sought further documentation. I refer to exhibit KY/69-INQ000147175. We have no record of this meeting taking place.

CHILDREN AND MEDICAL TREATMENT/HOSPITAL WAITING LISTS

147. On 19th October 2021 my office published "More than a number, a child based rights review of Child Health Waiting Lists in NI". This report was a culmination of a rights-based review of health waiting lists for under 18's. Some of the findings of this report and the implementation were impacted by the pandemic and made a series of

recommendations. We engaged with relevant Departments and organisations in the production of the report.

148. The subsequent monitoring report was published on 27th October 2022. I refer to exhibit KY/17-INQ000147113 (referred to above). Although this was not published during the Specified Period it monitored the implementation to the recommendations during the Specified Period.

149. On 25th August 2021 my office attended a roundtable held by the British Medical Association (hereafter "BMA"). The purpose of this meeting was to enable the BMA to outline pressures that GPs are under and to ask for assistance in changing the narrative around not getting to see a GP. The BMA indicated at this meeting that they had a concern over a lack of information reaching them in relation to child abuse/domestic violence as they were not seeing as many patients, or patients were not bringing children to appointments as they would have in the past. They expressed concern that there were bigger problems coming down the tracks in relation to that. I refer to exhibit KY/70-INQ000147177.

OTHER DECISIONS

150. My office also engaged at various times with the Executive and Civil Servants in relation to numerous other issues, for example:

- a. long covid (see exhibit INQ000146388, exhibit INQ000146381 and exhibit INQ000146368)
- b. PCR testing for under 5s;
- c. The Covid Verification Service;
- d. Certification for under 18's (see exhibit INQ000146392 and INQ000146379)
- e. issues in Juvenile Justice Centres;
- f. shielding guidance;
- g. policy on masks in schools.

151. I have not addressed these or other specific issues in detail in this statement on the basis that the Inquiry at this stage is seeking to focus only on the key, overarching decisions taken to reduce the spread of Covid-19. However, I am happy to provide a further statement addressing any of these or other specific matters at any stage.

D. OVERARCHING ADVICE TO AND SCRUTINY OF EXECUTIVE DECISION-MAKING

152. On 10th March 2021, my office met with the Chief Medical Officer, officials from The Executive Office and the Department of Health to discuss issues in respect of the pandemic. My office provided feedback on issues for children and young people during the period of restrictions and engaged generally on issues relating to the Covid -19 pandemic including discussions of some pharmaceutical and some non-pharmaceutical interventions. I emphasised the need to receive assurances from the Department that the rights of children and young people were being considered. I explained that while the meeting was very welcome, I did not consider the meeting to be a consultation seeking NICCY's advice but information sharing. I indicated that the information and evidence requested was to enable NICCY to provide robust advice as part of its advisory role to government. I indicated that NICCY was not being enabled to do so at present. I reiterated that the Department should request a consultation with NICCY rather than the other way around and that a further consultation meeting is needed to discuss the renewal of regulations. I indicated I was concerned by how children's rights have not been taken into account. I refer to a note of this meeting exhibited at exhibit KY/2A-INQ000188885.

153. As referred to above my office conducted a general analysis of the Executive's response to the pandemic between July 2020 and May 2021.

154. My office sought engagement from the relevant Departments and other decision-making bodies in conducting this analysis.

155. My office also commissioned the report by QUB.

156. This culminated in the report entitled, "*A New and Better Normal*" which I have referred to above and I have exhibited at KY/8A-INQ000147187, KY8B-INQ000147188, KY8C-INQ000147189 and KY8D-INQ000147190..

157. On 6th July 2021 I wrote to the leaders of the political parties and advised them of our forthcoming report. I invited the party leaders to make a speech at the launch and to be interviewed by young people to discuss Covid recovery. I refer to exhibits KY/71-INQ000147178, KY/72-INQ000147179, KY/73-INQ000147180, KY/74-INQ000147181, KY/75-INQ000147182, KY/76-INQ000147183, KY/77-INQ000147184, and KY/78-INQ000147185.
158. On 28th July my office wrote to the Permanent Secretaries for the Department of Education and the Department of Health advising them of the forthcoming report including a copy of the Summary report inviting them to consider the response and planning in the future and inviting them to contact us if they wished to discuss this or any areas of work relevant to their Departments. I refer to exhibits KY/79-INQ000147186 and KY/80-INQ000147191.
159. On 3rd August 2021 I wrote to the First Minister, Deputy First Minister, Junior Ministers in the Executive Office, Health Minister, and Education Minister and advised them of our forthcoming report. I attached the Summary Report. I refer to exhibits KY/81-INQ000147192, KY/82-INQ000147193, KY/83-INQ000147194, KY/84-INQ000147195, KY/85-INQ000147196 and KY/86-INQ000147197.
160. Each Government Department was sent a copy of the report following its publication in August 2021.
161. The report, *"A New and Better Normal: Children and Young People's Experiences of the Covid-19 Pandemic, August 2021"* made recommendations to the NI Executive in key areas. These recommendations centred around the following:
- a. Delivering better outcomes for children and young people;
 - b. Prioritising infant, children and young people in the NI Executive's recovery Plan;
 - c. Planning for the future;
 - d. Ending child poverty;
 - e. Focus on systemic reform of Health and Social Care Services;

- f. Ensuring that public health emergency planning in relation to children and young people;
- g. Ensuring appropriate education provision including the assessment of educational provision during lock-down, robust mechanisms for the identification of needs of children and young people, and collaborative and timely engagement of Departments, relevant authorities and schools;
- h. Taking steps to address the play, leisure, and social engagement opportunities which children and young people missed as a result of the pandemic;
- i. Consulting with children and young people in developing and relaxing restrictions including in relation to play, leisure, and social engagement;
- j. Addressing and taking steps to mitigate the issues caused to family and alternative care caused by the Covid-19 pandemic and the response to it, including maintaining contact between children and family members and respite provision;
- k. Ensuring consistent use of amended Regulations across Health and Social Care Trusts in Northern Ireland;
- l. Developing a thorough assessment of the impact on safeguarding during the Covid-19 pandemic and taking steps to ensure that the Vulnerable Children and Young People's Plan is adapted as necessary to provide a robust framework for safeguarding children during the Covid-19 pandemic and in any future crisis.

162. The report was launched on 26 August 2021. The attendees included representatives from the Department of Health, Department of Education, Department for Justice, Education Authority, Health and Social Care Trusts, the Public Health Agency, Police Service of Northern Ireland, and other stakeholders. I also exhibit INQ000146384 received from the Department of Finance in respect of the report.

163. I with some of the NICCY staff team met with the Covid Recovery Taskforce on 6th December 2021 where the findings and recommendations of the report were discussed.

164. In February 2022, NICCY followed up with a specific request for information on how each Government Department(s) had or were delivering on the report recommendations addressed to them. Each Department was asked to provide a written update on progress towards achieving the recommendations by May 2022. I

include a letter to the Permanent secretary of the Executive Office on 23rd February. Please see exhibit INQ000146395. Table 1 of the assessment of response to “*A New and Better Normal*” published in September 2022 includes Departmental updates and NICCY’s response to each of the recommendations. I refer to exhibits KY/9A-INQ000147201, KY/9B-INQ000147202 and KY/9C-INQ000147203 (referred to above). This includes NICCY’s analysis and concern around key decision making during the Covid-19 pandemic.

165. The findings and recommendations were also discussed at meeting with a member of the Covid Recovery Taskforce on 5 September 2022. See exhibit INQ000146351. It was highlighted that I was disappointed by the quality and level of detail provided by Government Departments to NICCY’s report recommendations. Many responses were extremely vague, making it difficult to provide an assessment of whether the recommendation was met or not, or in other cases the response whilst informative, did not relate closely enough to the actual recommendation.

166. The report “A New and Better Normal” made several recommendations including that the Northern Ireland Executive should commission an independent review of the emergency legislation developed in response to the COVID-19 pandemic, the processes for developing this, including in relation to legislative scrutiny and the degree to which processes (including statutory obligations and equality screening) were followed in its development and implementation. It recommended this should consider how the legislation and its implementation met international standards and provide guidance for the development of emergency legislation in any future public health emergencies. It recommended that the current emergency powers should come to an end as soon as possible and not be extended beyond the emergency period. While clearly there was a need for emergency legislation to be introduced in response to the pandemic, nevertheless, given that the powers were put in place for a period of two years, the limited legislative scrutiny was a matter for concern. I noted that, in March 2022, the emergency powers to make legislation were extended by the Assembly for six months until 24 September 2022 without, as far as we are aware, any consultation and certainly no engagement with NICCY. This was an ongoing concern.

167. The NICCY team and I met with a member of the taskforce on 5th September 2022. I attach exhibit INQ000146351. The NICCY team and I presented the assessment of the Government response to my recommendations made in “*A New and Better Normal*” of the to the Covid Recovery Taskforce on Tuesday 13 September 2022. I attach the PowerPoint presentation. I refer to exhibit KY/87- INQ000147198.

E. NICCY’S INPUT TO THE ASSEMBLY AND COMMITTEES OF THE ASSEMBLY

HEALTH COMMITTEE

168. I am aware that the Health Committee held a session on Draft Children’s Social Care (Coronavirus) Regulations (NI) 2020.
169. On 4th May 2020 the Chair of the Health Committee wrote to me and sought my views on the Children’s Social Care (Coronavirus) Regulations. I provided the Committee with a copy of my advice to the Department on the draft Regulations and accompanying Guidance.
170. In my letter of 26th May 2020 to the Chair of the Health Committee I also provided my views on wider issues affecting the care and protection of children at this time. I refer to exhibit KY/88-INQ000147199. I highlighted a number of concerns, including in relation to:
- a. The speed with which issues were resolved once raised by my office with the relevant authorities;
 - b. The importance of highlighting that statutory services are open, particularly for vulnerable children in need of safeguarding and protection from domestic abuse;
 - c. Provision being made for children and young people with mental health difficulties and the need to secure additional resources to reduce mental health waiting lists;
 - d. The needs of children with Special Educational Needs and disabilities who have found services abruptly ending.

171. On 6th November 2020 the Health Committee wrote to me and sought my views on the Department's proposed extension to the Regulations. I refer to exhibit INQ000146355.
172. On 12th November 2020 I replied to the Chair of the Health Committee and provided my views in this regard. I refer to exhibit KY/89- INQ000147200.
173. On 17th December 2020 the Committee for Health wrote to me advising me that they had a meeting on the same day regarding the Children's Social Care Regulations. I refer to exhibit KY/90-INQ000147204. They forwarded a copy of a letter from the Minister for Health to the Committee dated 10th December 2020 in respect of this issue. I refer to exhibit KY/91-INQ000147205.
174. In May 2021, I provided a briefing to the Health Committee. This briefing outlined the impact of COVID-19 on children and young people's emotional wellbeing and mental health and set out my offices views on the actions that needed to be taken to improve their wellbeing. I refer to exhibit KY91a-INQ000188921.

EDUCATION COMMITTEE

175. On 12th May 2020 I wrote to the Education Committee, following the announcement by AQE and PPTC to delay the transfer tests for P7 pupils to highlight my concerns and highlighting the need for an appropriate solution to be reached for all children that were impacted. I refer to exhibit KY/92-INQ000147206.
176. On 10th June 2020 my office provided oral evidence to the Education Committee on the key issues affecting children and young people across Northern Ireland that fell under the remit of the Education Committee. This briefing noted (*inter alia*) that a key development in relation to the implementation of children's rights in general was the impact of covid-19 on children and young people's education and wellbeing. I refer to briefing paper at exhibit KY/93-INQ000147207.

177. On 10th March 2021 two members of the NICCY Youth Panel gave evidence to the Education Committee on Covid-19 and the Pandemic Impact on the Mental and Physical Health of Children and Young People. I refer to Hansard record at exhibit KY/94-INQ000147208.

178. In April 2021, I provided a briefing paper to the Education Committee on a range of educational issues including the impact of the Covid 19 pandemic and indicated that I welcomed the opportunity to provide further evidence or clarity in relation to the same. I refer to exhibit KY/95-INQ000147209

179. On 24th May 2021 the Clerk to the Committee for Education wrote to me requesting my views on the impact of Covid-19 on children and young people. I refer to exhibit KY/96-INQ000147210.

180. On 2nd June 2021 I replied and set out my views on the various impacts of Covid-19 and the issues affecting children and young people. I refer to exhibit KY/97-INQ000147211.

F. NICCY'S ENGAGEMENT WITH OTHER CHILDREN'S COMMISSIONERS

181. The British and Irish Network of Ombudsman and Children's Commissioners (hereafter "BINOCC") is made up of the UK Children's Commissioners' and Republic of Ireland Ombudsman. BINOCC meets on a quarterly basis to discuss issues facing children and young people in their respective jurisdictions. Throughout the pandemic these meetings were held remotely. During the Specified Period they took place on 28th April 2020 (see exhibit INQ000146405) , 8th September 2020 (see exhibit INQ000146357), 30th November 2020, 25th January 2021, 22nd June 2021(see exhibit INQ000146393) , 14th September 2021(see exhibit INQ000146378), 15th November 2021(see exhibit INQ000146383), and 10th February 2022 (See notes of the meetings at INQ000146357). We have not completed a comparative analysis of the differences across the UK during the Covid- 19 pandemic and are not in a position to reach a definitive position on the differences between Northern Ireland and other jurisdictions of the UK. These meetings were a forum for information sharing to try and identify shared experiences or issues arising across the jurisdictions including in respect of

Covid- 19 during the pandemic. It was clear that children across the jurisdictions were however experiencing similar issues. We are concerned that the post Covid-19 response across other jurisdictions may be better than in Northern Ireland. We are concerned that the steps taken to address the impact of the Pandemic on children and young people, for example social isolation and lost learning is being more adequately addressed through other parts of the UK.

182. These meetings covered issues affecting children in the respective jurisdictions on many aspects of the pandemic affecting the lives of children and young people and were used as a method to inform each Commissioner of the issues and our respective assessments of the impact during the Covid-19 pandemic.

183. The views of our office were not sought by the UK Government. We did not engage as I focused my efforts on assisting and advising the relevant authorities in Northern Ireland.

184. In relation to the views of other Commissioner across Europe, NICCY is a member of The European Network of Ombudspersons for Children (hereafter "ENOC"). It is comprised of 44 Institutions across 34 countries and is a not-for-profit association of independent children's rights institutions (hereafter "ICRIs"). Its mandate is to facilitate the promotion and protection of the rights of children, as formulated in the UN Convention on the Rights of the Child.

185. In particular in relation to the Covid-19 pandemic my office continued to engage with ENOC during the Specified Period. Between 2020 and 2021 my office engaged with ENOC by way of membership of the working group and gathering and presenting evidence in response to ENOC surveys on the issues. I attended the ENOC conference in September 2021. European Network of Ombudspersons for Children thereafter published the Position Statement on "COVID-19: learning for the future", as adopted by the ENOC 25th General Assembly, 29 September 2021. I refer to exhibit KY/98-INQ000147212. This statement recommended a Child Rights based assessment in relation to decision making and in line with this statement and previous the ENOC Position statement. NICCY has continued to take steps into the embedding of such assessments in the decision making of decision makers.

G. NICCY'S VIEW ON THE RESPONSE TO THE PANDEMIC AND LESSONS LEARNED

186. I accept that we still do not know the full long-term impacts of this pandemic on the lives of children and young people. Through our reports and ongoing monitoring we continue to develop our knowledge of the impact of the pandemic on our children's education, physical, mental, and emotional health; and as the NI Commissioner for Children and Young People, it is important through ongoing work filling in the gaps with our own areas of inquiry and providing a clear analysis and a set of recommendations as to how we shape the future.
187. I did believe that it was right, during the initial lockdown, that all energies were focussed on controlling the virus and protecting our elderly and vulnerable. However, as the pandemic progressed it became clear that too many of our children and families were struggling. It is apparent that services across all sectors worked tirelessly to respond to need but restrictions and regulations did not always provide the assistance necessary. We know that schools are much more than places where children and young people formally learn. They are places where they socialise, are nurtured, kept safe and well. The inability of the education system to be creative and respond in a timely manner to emerging issues has been deeply frustrating. There was a clear lack of forward and contingency planning in the event of a global pandemic and the structures and systems in place in respect of decision making, in particular in the initial stages of the pandemic were responsive and reactive.
188. Through the work of my office it became clear that children and young people were frustrated at the decision-making processes within Government particularly the Department of Education and that young people felt ignored and marginalised with insufficient information provided to them and little meaningful engagement. Many of our children's lives have been devastated by the pandemic and this devastation must be alleviated as a matter of urgency.
189. I believe that we do not need a 'Covid Recovery Plan' for Children. We need to I refer to the proper implementation of the Programme for Government, the Children and Young People's Strategy, the Recommendations from the UN Committee on the Rights of the Child, and a child rights impact assessment (hereafter "CRIA") approach to relevant policies, strategies and delivery plans. We must not waste our energies on new strategies but work with children, families and communities to implement what is necessary. Poor implementation of children's rights makes vulnerable children even more so during emergency situations.

190. I also need to be clear that I genuinely believe that the Executive and government worked hard during the Pandemic and that efforts were made to engage with my office in relation to Covid-19. I am of the view that the engagement with young people by our Government has been wholly unsatisfactory during the pandemic. There continues to be a need for all levels of Government to develop mechanisms to meaningfully engage with and consult children and young people. The children and young people that have lived through the pandemic will inevitably have a different set of needs. These needs require assessment and the system needs to adapt to address those needs. It is important that decision-makers have a robust plan in place to deliver the services and provision to meet their needs in the event of further public health emergencies.

STATEMENT OF TRUTH

I declare that the contents of this statement are true and accurate to the best of my knowledge and belief.

Personal Data

Dated 14/7/23

Koulla Yiasouma

Northern Ireland Commissioner for Children and Young People

(2nd March, 2015 - 1st March, 2023)