

UK COVID-19 INQUIRY

WRITTEN SUBMISSIONS ON BEHALF OF THE NORTHERN IRELAND COMMISSIONER FOR CHILDREN AND YOUNG PEOPLE FOR PRELIMINARY HEARING 1 – MODULE 8

Introduction

1. The Northern Ireland Commissioner for Children and Young People (*hereafter* “NICCY”) welcomes the opportunity to contribute to this important module and through these submissions seeks to set out the main areas of focus NICCY believe should be considered by the Inquiry in relation to the impact of the pandemic on children and young people (*hereafter* “CYP”).

2. NICCY strongly believes that children’s rights need to be better embedded at the heart of government and government decision making and that when they are, the negative impacts and devastating long term effects on the lives of CYP will be greatly reduced, both in response to the impact of the pandemic on CYP and in any future public health emergency.

The Office of the Northern Ireland Commissioner For Children And Young People

3. The Office of the Northern Ireland Commissioner for Children and Young People was established by The Commissioner for Children and Young People (NI) Order 2003, (*hereafter* “the 2003 Order”). The 2003 Order states that the principal aim in exercising its functions under the Order is to “safeguard and promote the rights and best interests of children and young persons” (Art. 6(1)).

4. Its 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 CYP and services provided by relevant authorities; and
 - Advising the Secretary of State, The Executive Committee of the Assembly (*hereafter "Executive"*), and relevant authorities on the rights or best interests of children and young persons, either if requested to, or as NICCY thinks appropriate;
5. The statutory functions and duties are discharged using the powers conferred upon the Commissioner by Article 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 CYP, or the exercise of the Commissioner's functions;
 - Issuing guidance on best practice, regarding the rights or best interests of CYP;
 - Conducting such investigations as NICCY consider necessary or expedient;
 - Compiling information, providing advice, making representations or recommendations and publishing any matter regarding the rights or best interests of CYP;
 - 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.
6. NICCY is required to have regard to the relevant provision of the United Nations Convention of the Rights of the Child ("*UNCRC*") (Article 6(3)(b)).
7. NICCY comprises of a Staff Team of 25, led by a Chief Executive. It comprises a Legal and Investigations team, a 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 throughout the pandemic. In addition, NICCY is advised by the NICCY Youth Panel, currently comprising 54 young people. Furthermore, through a range of methods NICCY is informed by the experiences and opinions of stakeholders including CYP more generally, across Northern Ireland.

Scope of Module 8

8. The Inquiry have helpfully outlined areas to be covered by this module in the Provisional Outline of Scope and NICCY intends to highlight issues within those areas that we believe are important to be examined by the Inquiry. We will go on to raise other issues that NICCY believe are worthy of focus in this Module and the reasons why. Overall, our analysis of the impact of the pandemic on CYP 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 background and family circumstances, were greatly exacerbated by the pandemic. This led to a widening of chasms in exposing the uneven impacts of the pandemic on CYP.

1) Preparedness and Planning

9. It is important to note to unique political landscape existing in Northern Ireland prior to the pandemic. As 2020 started, Northern Ireland was in the middle of another political crisis and by this point had been without a government for nearly three years. On 11 January 2020 a new Executive was formed and the Legislative Assembly restored. Shortly thereafter the Covid pandemic struck, and the nascent government began to grapple with their response.
10. There was a clear lack of forward and contingency planning in the event of a global pandemic. CYP were an afterthought and not considered in a meaningful manner as part of any planning for a pandemic.
11. NICCY did attend a meeting with the NI Chief Medical Officer on 13th March 2020 to receive an initial briefing on the Covid-19 virus and the government's plans. This was a factual briefing rather than an active discussion in which views were sought. School closures and the impact on vulnerable groups, to include children with Special Educational Needs and/or Disabilities (*hereafter "SEND"*) were mentioned.
12. Given the lack of planning and preparation for the Covid pandemic, and the impact this had not only on tackling the virus but also on the recovery from it, NICCY believe the opportunity to create robust plans to tackle a future pandemic, that include stakeholders from across society and across all age sectors, should not be missed.

2) Covid Response

13. In relation to the extent CYP were considered by government, the first point to make is that the views of our office were not sought by the UK Government. We did not engage with the UK government as NICCY focused efforts on assisting and advising the relevant authorities in Northern Ireland. We had regular engagement with other Children's Commissioners through the British and Irish Network of Ombudsman and Children's Commissioners (hereafter "BINOCC"). This is made up of the UK Children's Commissioners' and Republic of Ireland Ombudsman. Whilst it was clear that children across the jurisdictions of the British Isles experienced similar issues, we are concerned that the pandemic 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 CYP, for example social isolation or lost learning, is being more adequately addressed through other parts of the UK.
14. As mentioned, the lack of an Executive and Assembly for 3 years prior to the pandemic had an impact on the planning for a pandemic. It inevitably followed that it also had an impact on the response.
15. Northern Ireland was not only unique amongst the devolved administrations in having had no legislature until just prior to the pandemic, it also has a specific set of circumstances that are not found anywhere else on these islands and undoubtedly had an impact on the pandemic response. An example of this is the education system being, for the most part, segregated along religious lines. This, coupled with a system of selective education had a huge impact on CYP and their education during the pandemic. This will be expanded upon later.
16. Through the work of NICCY, it became clear that CYP were frustrated at the pandemic 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. There were limited attempts to provide clear and timely information on action taken that directly impacted upon them.
17. Throughout the pandemic NICCY sought to advise Executive and other decision-making bodies on the impacts of the pandemic upon CYP, and to scrutinise the response of those decision-making bodies to the pandemic. In many instances we were provided with limited notice of decisions being made. NICCY proactively sought engagement on issues that concerned CYP. For example, in relation to the

modification of children's social care duties. NICCY became aware of proposals to change the legislation, had not been consulted and urgently engaged with the relevant Department to request amendments. A Child Rights Impact Assessment was carried out at our suggestion and our engagement had effect by virtue of amendments being made to the modifications.

18. As the statutory independent child rights institution in Northern Ireland, NICCY was not sufficiently consulted, nor directly approached for advice on several matters affecting children during the pandemic. 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 CYP and children's services. Whilst NICCY accepted that in urgent situations consultation is not always possible, as the pandemic progressed and longer-term decisions were being taken by government, the opportunity to consult our office was rarely taken.

19. NICCY believe that limited legislative scrutiny, whilst undoubtedly necessary in the initial stages of the pandemic, should have been gradually removed and accountability processes should have been extended in a proportionate manner to allow for more engagement with relevant stakeholders, including our office. Such increased scrutiny would have the aim of a reduction in the negative impacts of the pandemic for CYP. Over the course of the pandemic, and with the continued changes to regulations and the continued temporary modifications of legislation affecting children, NICCY became concerned that children's rights were not appropriately being taken into account before changes were made. NICCY believe that the lack of consultation on legislation and regulations that had a huge impact on the lives of CYP is an area the Inquiry should give attention to in this Module.

3) Education

20. In March 2020, the onset of the pandemic and the immediate closure of schools across Northern Ireland bore a very real threat to CYP's fundamental right to education. Much has been written about the potential long-lasting societal and economic effects of school closures. The UN has warned that the potential losses that may accrue in learning for children and young people, and for their development, are hard to fathom. Lost learning has disproportionately impacted the most disadvantaged CYP in Northern Ireland and we consider there has been insufficient examination of this post pandemic. Given this background, NICCY cannot stress

enough the importance of a proper consideration of the impact of the pandemic in the education sphere.

21. Consultation: During the pandemic NICCY was concerned about the lack of consultation by the Department of Education. Modifications and extensions to relevant regulations were made with little or no opportunity to engage with the decision making. NICCY assessed that this was having a particularly detrimental impact on children with SEND. NICCY accepts the processes for normal consultation could not be fully adhered to in the early stages of the pandemic, however as time passed the opportunity to do so did present itself to relevant authorities who sadly did not utilise it. As mentioned previously, the lack of consultation and engagement with stakeholders, including CYP, is an area NICCY believes should be examined.

22. Attendance: There is a significant risk of long-term harm to many children and young people from not attending school. This relates both to CYP who did not attend school during the lockdowns and lost out on that period of in-person learning and development, but also to the worrying large cohort of school age children who continue to stay away from school for a myriad of reasons including mental health, anxiety, fear or disillusion. Schools are not simply places of learning but also places of safety, shelter, human connection, with important social circles and development opportunities over and above the taught curriculum. NICCY would urge the Inquiry to examine the impact the pandemic had on school attendance and the negative impact this is having on CYP.

23. Lost learning: Remote learning was thrust upon the education sector in March 2020 with little or no planning or preparation. Evidence suggests that inconsistency in pupil engagement with remote learning is a major factor in the impact on CYP education during the pandemic. To properly assess the impact of remote learning, an assessment of the effectiveness of the education received during closures and a benchmarking of any learning lost or gained over lockdown should be carried out. There is a need for disaggregated data in such an analysis, to establish which groups of CYP were disproportionately affected and in need of targeted support.

24. Remote learning necessitated the need for online learning, via the use of electronic devices. A barrier to learning at this time, and one that impacted upon children from lower socio-economic backgrounds, was the lack of access to suitable devices or reliable internet connections. NICCY reflected on the critical need for consistency

and quality in the provision of remote learning, and repeatedly called on the Department of Education and Education Authority to provide supports to children, young people and their families to fully engage. In our report into CYP Experiences of the pandemic, “A New and Better Normal” (*hereafter “Covid Report”*), NICCY recommended that a record to be kept of all CYP who require access to device / networks, to enable the planning and provision of same in any future public health emergency. The consideration of remote learning should also consider the impact of the barriers to learning for large sections of CYP.

25. Vulnerable CYP: It is evident that some groups of CYP have experienced the effects of school and nursery closures more acutely than others. Groups most negatively affected include CYP from lower socio-economic backgrounds, those with SEND in mainstream and special schools and newcomer groups. Also worthy of consideration is the impact on younger children who were not ‘school ready’ post pandemic. This has been linked to the relative lack of support from health visitors during the pandemic and limited opportunities for socialisation with other children as nurseries closed. A recommendation from our Covid Report was that Education and Health bodies should report on how they have identified, met, and will continue to provide for the needs of vulnerable children. Any analysis of the impact of the pandemic should include a focus on vulnerable CYP.
26. Examinations and alternative grading: The pandemic brought about a period of uncertainty for many CYP facing examinations in summer 2020 and beyond. Examinations were cancelled however there was a period of uncertainty around alternative arrangements. When schools reopened, CYP came under increasing pressures due to continuous assessment and the potential for these assessments to translate to grades should exams in summer 2021 also be cancelled. NICCY called for immediate action to alleviate the stress experienced by CYP. When summer 2021 examinations were also cancelled, CYP felt that the alternative awarding arrangements generated the same, if not more, work than would have been the case if they sat formal examinations. NICCY asks for CYP to be placed at the heart of discussions and decision making over grading for future pandemics.
27. Post primary transfer / transfer test: As mentioned previously, NI has a system of selective education and every year, primary 7 pupils who wish to attend certain grammar schools have to pass a transfer test. The system is unregulated and the test providers represent the grammar schools. NICCY has long advocated for a

change to this system that places unacceptable pressure on 10 and 11 year olds. During the pandemic this pressure was compounded by last minute postponements, cancellations, and confused and contradictory communications. A late decision was made to cancel the tests, with schools drafting admissions criteria on a school by school basis. The Department for Education published guidance and recommended admissions criteria, however the guidance had no statutory basis and so was not compulsory. It resulted in different schools imposing differing criteria, some being unfair on certain children. Judicial Review proceedings were taken against certain schools. The way in which this situation was handled was largely disconnected from the rights and best interests of CYP. In our Covid Report, we recommended that the Department for Education work with schools to establish contingency plans for post primary transfer, creating a set of common admissions criteria with statutory footing to ensure equitability and accessibility for all. The mistakes of Covid cannot be made again.

28. Overall, the impact of the pandemic on CYP in the educational sphere was huge and deserves detailed consideration by the Inquiry, especially children with SEND or other vulnerabilities. NICCY is pleased to see a focus on these groups within the Provisional Outline of Scope and looks forward to assisting the Inquiry in any way it can.

4) Health and well being

29. It is important to emphasise the persistent presence of health inequalities particularly within socio-economically deprived areas in NI, and the impact of the pandemic within these areas. There are increasing numbers of infants, children, and young people presenting with SEND and increasingly complex health and social care needs. This has created pressures across allied health professions, which have been exacerbated by funding and workforce pressures, as well as structural issues such as the absence of standardisation of services across Trusts. These issues were clearly demonstrated during the pandemic.
30. At the time of the pandemic's emergence in NI, the healthcare system was experiencing significant delays in service accessibility including increasing waiting times. Workforce capacity, resources, and financing were issues experienced by all 5 Health Trusts. The Executive had just reformed after nearly 3 years. It is important that any examination of the impact of the pandemic upon children's health and

wellbeing is examined in this context, understanding that difficulties in accessing services and provision of care and support were already apparent pre-pandemic and especially for infants, children and young people with disabilities.

31. The Executive's response to the pandemic, particularly in respect of school closures, limited accessibility of healthcare services, and restrictions upon in-person gatherings, had a particular detrimental impact on the health, wellbeing, and development of CYP with disabilities, especially those with chronic and complex needs. NI remains without a disability national action plan and NICCY believe such a mechanism is crucial to prevent marginalisation of the needs and rights of CYP with disabilities.

32. Access to healthcare services: We have held longstanding concerns in relation to the provision of paediatrics and mental health supports for CYP. Waiting lists in Northern Ireland for paediatric care, including specialist support such as occupational therapy, are the highest in the UK and NICCY has monitored this with concern for some time, advising and advocating to government to improve the adequacy in the provision of such services. Also worrying are the growing delays in accessing mental health support, support that had already been under pressure pre-pandemic and is now trying to tackle an ever increasing demand in part due to the impact of the pandemic. It is our understanding that the pandemic has had a detrimental impact on the delivery of both paediatrics and mental health services.

33. Another area of concern for NICCY in the health sphere are the issues within the transition process of health and social care generally, but specifically within disability services in NI. There appears to be a disparity in approaches and support across the 5 Health Trusts with transitioning in disability services, with an example being the differences in accessing respite care support across the 5 Trusts. It is important this is flagged as a matter of concern as regards the impact of the pandemic upon CYP with disabilities and for their families. We would also be concerned as to the impact of the pandemic on transition between Child and Adolescent Mental Health Services ("CAMHS") and Adult Mental Health Services, particularly for young people who also have a diagnosis or are awaiting a diagnosis of Autism Spectrum Disorder ("ASD") and/or Attention-deficit/hyperactivity disorder ("ADHD"). Given the increased demand on CAMHS caused by the pandemic, there are in consequence more young people requiring the transition to adult services.

34. It is also important to highlight that the pandemic impacted upon referrals and assessments for ASD and ADHD. The pandemic has led to increasing delays between initial assessments, appointments, diagnosis confirmation, and arrangement of further care and support. Increasing waiting lists for SEND, including ASD and ADHD, has also resulted in an upsurge in families seeking assessments by private healthcare providers. However, private diagnoses do not equate to the provision of treatment by the National Health Service, and so families face further waiting lists for treatment following such a private diagnosis.
35. Access to community based groups: The Voluntary and Community Sector provides excellent early-years support including for infants and children with chronic and complex needs; such supports were limited during the pandemic due to the restrictions on in-person gatherings. Whilst the restrictions have lifted, NICCY wishes to highlight the impact of lost time upon health and development of infants and children availing of these services generally, but specifically those with SEND including chronic and complex needs.
36. Access to postnatal support: We are concerned with the general status of provision for postnatal mental health support and infant mental health, and the impact of the pandemic given the restrictions within the healthcare system as well as the suspension of voluntary and charity programmes.
37. Self-diagnosis: Research has found that CYP are increasingly “self-diagnosing” with neurological conditions, mental illnesses, personality disorders, and/or other emotional wellbeing issues. This has been connected with trends on social media channels, as well as the wider inaccessibility of healthcare services. The increase has coincided with increasing numbers who have presented to clinical providers or psychiatric services since the pandemic. There is a concern that CYP are inappropriately diagnosed and prescribed unnecessary medication. We would like to highlight the role of self-diagnosis among young people since the pandemic and the connection of same with the pandemic, particularly if this self-diagnosis has arisen due to difficulties in accessing healthcare providers.
38. Self medication: The SEND population in NI has steadily increased by 5% per year in recent years, requiring increasing levels of support from the healthcare system to assess and support infants, children, and young people. Delays in accessing

assessments, and subsequent treatment results in delays within the statementing process. There is growing evidence suggesting a connection between SEND and substance use disorders (SUD) including the use of substances to “self-medicate” and the risk of harmful behaviours such as substance use among undiagnosed persons with ASD and/or ADHD. We wish to highlight the role of self-medication among young people with ASD and ADHD and the connection of same with the pandemic, especially the connection with accessibility of services.

39. Online harm: CYP use of online mediums increased exponentially during the pandemic. Research has found that there was a documented increase in Image Based Sexual Abuse in the UK, including the sharing of intimate images. There were increased risks of online harms for CYP during the pandemic, including online harassment and grooming. The increase in online harms has inevitable implications for mental health and wellbeing.
40. Misinformation re vaccines: Disinformation was frequently found in the context of healthcare provision including the development and rollout of the COVID-19 vaccinations. We seek to highlight the impact of the disinformation / anti-vaccination narratives present during and post-pandemic and the implications for infants, children, and young people’s health and development. The disinformation spread to vaccines generally, with a worrying reduction in the uptake of standard immunisation programmes, with obvious concerns for public health as a result.
41. It is worth noting that collation, collection, and accessibility of health data in NI remains an issue, with all 5 Health Trusts taking a different approach. This impacts analysis, particularly temporal and geographic analysis. Therefore, seeking to understand long-term impacts of the pandemic on children’s health and service provision will be problematic.
42. In any future pandemic, NICCY believes that restrictions to child health services should only occur where necessary, should be proportionate and should remain in place for the shortest time possible. If allied health services are impacted, for example educational psychology or speech and language therapy, alternative ways to access this support must be provided. And finally, public health emergency planning should apply a Child Rights Impact Assessment process to ensure children’s rights and best interests are taken into account.

43. In relation to the continued recovery from Covid, all Health and Social Care plans to rebuild must be underpinned by children's rights and have provisions targeted at most disadvantaged, such as CYP with disabilities. The Covid Recovery Plan should ensure CYP's right to health is prioritised and range of mental health services are available to meet the needs of parents, infants, CYPs arising from the pandemic.

5) Social Care services

44. Young carers: There are over 17,500 child and young adult carers in NI, representing approximately 8 per cent of all unpaid carers. The lockdown restrictions including the closure of schools resulted in an increased workload and resultant pressure for these young carers, with in-person health services being cut off from their parents / relatives. It also meant they did not have school as an opportunity to socialise with friends and get out of their home environment. NICCY believes the impact on them is worthy of examination.
45. Domestic Violence: Whilst many CYP were able to remain safe in their homes as the population remained locked down, for some vulnerable groups, there was an increased risk of domestic violence and abuse. Schools that acted as a safe haven were closed off. This was exacerbated by the lack of face-to-face contact with a range of services, including social services, contact that can identify the warning signs of abuse. Reported incidents of domestic violence and abuse during the first lockdown increased in Northern Ireland.
46. Withdrawal of services: Families that utilised specialised services and care for children with complex health needs and children with disabilities were badly effected by the pandemic, with such services effectively withdrawn completely for a number of months and have since failed to return to pre pandemic levels. Services such as home visits by carers and respite for families ceased, with profound impacts on service users. A reduction in the normal levels of social care support to vulnerable families has led to increased pressures within those families, an increase in family breakdown and a corresponding increase in the number of CYP being taken into care. Many parents/carers informed us of the profoundly detrimental effects on the education, health and wellbeing of children with SEN and disabilities, as well as on their own health and wellbeing caused by the withdrawal of services. The withdrawal of respite services for families was a huge blow and there is still no sign that respite

will return to pre-pandemic levels. In our Covid Report, NICCY called for the full provision of respite services to be made available in any future emergency.

47. Safeguarding: NICCY has repeatedly acknowledged that in a public health crisis, the emergency response to public health concerns is rightly prioritised. However, any dilution or lessening of protection standards for CYP must operate only as a last resort, for the shortest time possible and must be subject to robust reporting and scrutiny. This is especially so in regard to safeguarding. Navigating how best to protect children while complying with rapidly developing public health guidance was not a straightforward task. Authorities faced challenges of ensuring that children were not at risk, were physically safe and unharmed, had access to devices for communication and, importantly, that meaningful relationships with vulnerable children were developed and maintained throughout. NICCY recommended in our Covid Report that an assessment of the impact of the pandemic on safeguarding should be undertaken, to be informed by views of CYP, those who care for them, and practitioners.

48. Workforce pressures: We note that health and social care in Northern Ireland operates with persistent challenges in relation to absence rates and vacant posts, leaving services at greater vulnerability when under any additional pressures. During the pandemic, staff and services who play a key role in areas such as safeguarding, children's social care and children's disability services were redirected elsewhere within the health system to combat the pandemic and have yet to return to their original roles. There were also significant reductions in workforce availability due to COVID-19 related absence throughout the pandemic.

6) Criminal Justice

49. NICCY has consistently raised concerns about the introduction of spit and bite guards by the Police Service of Northern Ireland ("PSNI") in March 2020, a response to the Covid pandemic. In our August 2021 Covid Report, we recommended that spit and bite guards should not be used on under 18s. In a February 2022 report, the Northern Ireland Policing Board's Human Rights Advisor also recommended they should not be used for under-18s. However, in June 2022 the PSNI decided to continue their use as a tactical option, with a presumption they will not be used for under 18s unless it is demonstrably necessary to do so. NICCY is concerned at the ambiguity of this position and feels that the issue is a clear consequence of the

pandemic and should be considered by the Inquiry, given the impact on CYP health and wellbeing as a result of their use. In a further recommendation from our Covid report, NICCY recommended that the PSNI continue to embed a best interest and trauma informed approach to young people, something that does not sit well with the use of spit and bite guards. NICCY has consistently raised this position to the PSNI ever since.

50. In relation to the wider police response to the pandemic, the PSNI used a “4 E” approach in relation to the compliance with Covid regulations: Engage, Explain, Encourage, Enforce. Given the ever-changing messaging and amendments to the regulations, it was difficult for members of the public to follow the changes, even more so for CYP of various ages and levels of understanding. CYP often complain of discrimination due to their age in their dealings with the police, and an impact of the police enforcing regulations was an increase in CYP conflict with law enforcement and an erosion of trust. The longer-term impacts of this are worth considering.
51. Turning to those in the youth custody estate, CYP held in the Juvenile Justice Centre (“JJC”) experienced increased separation from their families and other services due to the ceasing of in-person access to visits and services. CYP were isolated upon admission in a form of quarantine that led to feelings of isolation. CYP could no longer meet parents, siblings and other family members in person but through online means. Online visits were hindered by poor IT equipment, and it was difficult to build relationships with social workers. Services available to CYP within custodial settings, services that aid rehabilitation or encourage education and personal growth, were all curtailed. Services provided by the Youth Justice Agency (“YJA”) could now not proceed, Youth Conferences could not take place as they used to, and whilst the impact of the closing of schools will rightly be examined by the Inquiry in this module, the impact of the suspension of visits and other services on CYP within the JJC should also be considered.
52. A further consequence of the restrictions was that all Court appearances took place remotely. The possibility of this being positive and less traumatic for the CYP must be weighed with the potential negative consequences ranging from justice not being seen as open and transparent if the CYP was not in person to the difficulty of carrying out effective probation reports if carried out online. The Inquiry will be aware of the pre-existing problem of delay within the Court system, an issue that was deteriorating pre covid but was undoubtedly exacerbated by the pandemic. Youth

Justice did not escape the impact of increased delays whilst the justice system adapted to the online world. In a further recommendation from our Covid Report, we asked that all children must have reasonable adjustments to meet their needs during court, including access to an independent advocate. A study into adult family Courts in NI during Covid highlighted problems with fairness, participation, accessibility and timeliness, with the administration of justice being let down. A similar study does not exist for the Youth Court, however we submit the issues would be similar. The impact of Covid on the Court process should be considered by the Inquiry.

53. For CYP with parents in the prison system, the closure of prisons, suspension of visits and the introduction of virtual calls would lead to parental separation and lack of physical connection between parents and children. They reported that Zoom or telephone contact was reduced compared with the length of usual face-to-face visits. Given the importance of family engagement in maintaining relationships, it's critical that provisions are made to ensure that there is no further disruption to contact between CYP and their family members in the case of future emergency situations.
54. NICCY can confirm that throughout the pandemic the YJA and JJC were very open to engagement and advice, and they are agencies that are crucial for the Inquiry to approach in relation to the impact on CYP in the youth justice sphere.

7) Immigration

55. Education: The pandemic exposed inequalities that exist between different groups of children in terms of their entitlement to educational support. For example, research reinforced the barriers for asylum seeking families in accessing support and other resources during the pandemic, including educational provisions. It also reflected a particular impact on newcomer children who had arrived with their families to Northern Ireland in February 2020 and who would usually have received intensive support over a number of months to settle into their new homes and schools. School closures clearly not only had an impact on the education of newcomer children but on settling into a new country – and learning a new language - at a critical time in their lives.
56. The pandemic has also highlighted the additional barriers of remote learning for children with English as an additional or new language for whom learning materials were not necessarily provided in an appropriate format. This was compounded by

issues around access to digital devices and the internet and the availability of suitable spaces in which to study for those in hotel or temporary accommodation.

57. Safeguarding: In hearing from young people subject to immigration control, the impact of the pandemic on feelings of isolation and stress and the challenges caused by a lack of social and other activities and visits was evident. Concerns were expressed about reductions in face-to-face contact with key professionals, such as social workers and legal representatives, including in relation to preparing for key events such as asylum interviews with the Home Office. Young people's experiences also highlighted the particular difficulties for separated and asylum-seeking children who may have arrived in Northern Ireland just prior to, or during, the pandemic period and who did not have pre-existing friendship networks, school or college connections or sporting or faith community links to draw on. It is across this full range of relationships, contacts and activities that children's protection is embedded.

8) Access to and use of internet

58. Digital inequality: Some of the barriers to education mentioned previously have relevance here, with a lack of access to electronic devices as well as to reliable internet service stymying attempts by CYP to learn remotely. Children from a rural background had issues with access to the broadband network. Access to the internet became essential for education and everyday living and the digital inequalities that exist in society should be considered.

59. Social media use: NICCY has previously raised concerns in relation to the increase in social media use brought on by the pandemic and potential online harms in the form of grooming and exploitation. Disinformation, especially around vaccination, was also rife on social media platforms and more needs to be done to regulate the social media providers in relation to such disinformation and harmful content on their platforms.

Other suggested priority areas

9) Poverty

60. Child poverty in Northern Ireland was of concern prior to the pandemic. In March 2020, around one in four children (22%) were living in poverty, equivalent to more

than 100,000 children. There had been no sustained change in the levels of child poverty over the 18 years the data had been collated. Levels of child poverty in working households had been increasing for many years and by March 2020, two in three children in poverty in Northern Ireland (66%) were living in working households. Several commitments were made by the Executive to develop anti-poverty strategies, however the pandemic led to delays in the delivery of these, which, together with the pandemic itself providing further challenges regarding child poverty, is an important impact the Inquiry should consider.

61. In addition to considering the measures needed to protect people's health from COVID-19, the UK Government and Northern Ireland Executive have recognised the importance of preventing unemployment, maintaining incomes, and ensuring access to shelter, food and other basic necessities. Over the months following the first lockdown the UK Government introduced programmes that sought to prevent job losses and protect the economy. Government schemes such as the Coronavirus Job Retention Scheme were introduced. Young people aged under 25 were significantly more likely to be furloughed than employees of other ages. Job losses were prevalent in sectors which have a relatively youthful workforce, such as hospitality. A lack of opportunities for new entrants to the job market such as education leavers disproportionately impacted CYP.

62. Basic needs: While the whole population experienced upheaval in their daily lives, some families were largely stable financially, while others were plunged into poverty. Drops in family income had a serious impact on CYP.

63. Youth homelessness: Data suggests the CYP have been significantly impacted by the pandemic from a homelessness perspective. While the number of households presenting as homeless had dropped when compared with the previous year (June - December 2020 versus June - December 2019), this was not the case for young people aged 16-25, where there had been an increase from 1,419 to 1,544. The increase in the number of young people requiring temporary accommodation placements was even more stark, an increase of 91% for 16- and 17-year-olds, and an increase of 176% for 18-25 year olds. Familial tensions, normally a driver for youth homelessness, were compounded in lockdown.

64. A range of schemes, both governmental and voluntary sector led, aimed to tackle issues of concern as Northern Ireland went into lockdown. Concerns over access to

food were combated through increased food parcels and direct payments in lieu of Free School Meals. The impact of poverty was acutely felt on families with children with disabilities. Surveys conducted on such families noted that 47% said their household income had decreased, with a further 50% stating it had remained the same.

10) Play, Leisure and Social Engagement

65. The Government response to the pandemic restricted CYP's freedom of movement and freedom of association, and therefore restricted their right to rest and leisure, to engage in play and recreational activities and to participate freely in cultural life and the arts. Such restrictions have been deeply felt. When asked what was the most difficult thing about Covid, CYP responses to one Young Life and Times Survey highlighted social isolation, educational disruptions and mental health impacts.
66. While the easing of restrictions allowed most children and young people to get outside more and to meet up with friends, many felt great anxiety about social contact because they were shielding or because of vulnerable family members. For many CYP returning to school post lockdown was extremely important in allowing them to see their peers face to face and to get back to a level of normality in relation to their education. While schools had been advised to have a focus on mental and emotional wellbeing, the pressures of trying to limit the spread of COVID-19 and prepare young people for assessments added to the stresses on those returning to school. In our Covid Report, NICCY recommended that schools have more emphasis on balancing schoolwork and wellbeing.
67. It is clear from the comments from the children and young people we engaged with, how important friendships and developing relationships are throughout childhood and into the teenage years, and how deeply they have felt the restrictions on their social interactions. Many expressed a deep sense of loss, for important times that they felt they missed and never would get back. Many talked about specific key events or occasions that they were missing out on that were important for transitions, to bring closure or to have memories for the future. In our Covid Report, NICCY recommended that, as society comes out of the pandemic, there should be a focus on key social occasions that have been missed by CYP, events that mark transition between school or leaving schools.

68. NICCY believes authorities should consult with CYP when making changes to restrictions and prioritise safe re-opening of venues and services important to them. The research data clearly shows that the decline in play, recreational and leisure activities has had a devastating impact on many children's physical health and emotional wellbeing. It is clear that greater priority needs to be given to these activities in any future pandemic.

11) Participation

69. Article 12 of the UNCRC states that children have the right to participate in decision-making processes that may be relevant in their lives and to influence decisions taken on their behalf. Again, whilst NICCY accept that the early stages of the pandemic necessitated an emergency response on public health grounds, as the pandemic progressed, the justification for continued lack of consultation or the piecemeal involvement of CYP in key decisions that greatly impacted their lives became gradually weaker. A Northern Ireland Youth Forum report from November 2020 reported that 89% of respondents to their survey felt the voices of CYP had not been heard during the pandemic to that point. It was four months after lockdown that the First Minister and deputy First Minister scheduled a press conference to engage directly with CYP. This event was cancelled with 2 days' notice and it was not until 5 months later, on the 21st December 2020 that the First Minister and deputy First Minister then eventually engaged with young people (of primary school age) who had pre-recorded their questions. A lack of participation in key decisions was compounded by the stigmatisation of CYP by some sections of society and the media as "serial spreaders" or breakers of lockdown rules. This increased a sense of isolation felt by CYP.

70. Access to information: When the pandemic led to the closing down of many of the normal processes of engagement, with schools, youth organisations and clubs all being closed, it was more vital than ever to be creative, to reach out and hear the voices of CYP. The Covid restrictions and messaging changed with such frequency that confusion was common. NICCY believe it is crucial to develop information and messaging suitable for CYP in such circumstances and there was a failure by government to do so in the initial phases of the pandemic. Lessons have to be learned and in future pandemics, governments need to prioritise developing information for CYP at the same time and alongside information for wider population and Ministers and senior government figures should engage more with CYP.

Conclusion

71. NICCY thanks the Chair for her designation of NICCY as a Core Participant to Module 8. Given the range of issues highlighted above and disproportionate impact suffered by children throughout the pandemic, NICCY believe it is a crucial Module and one in which many lessons can be learnt for future public health emergencies.
72. In Northern Ireland, we need CYP to be adequately represented in the outworkings of the Programme for Government and require the meaningful implementation of the Children and Young People's Strategy, the recommendations from the UN Committee on the Rights of the Child, and Child Rights Impact Assessments to be conducted when devising and implementing relevant policies, strategies and delivery plans. Strategies must be adequately resourced, meaningfully implemented and their impact monitored to ensure that they are effective. The poor implementation of children's rights exacerbates inequalities, and this is especially so during emergency situations.
73. When discussing government strategies and policies, it is worth noting the Children's Services Co-operation Act (Northern Ireland) 2015. It requires co-operation among public authorities to contribute to the well-being of CYP. NICCY believe the Act is not utilised in the manner it was intended for and more work is needed in ensuring that the rights of CYP are protected in government decision making, policy and practice.
74. It is therefore necessary that an effective child rights approach should be embedded in government policy and service delivery at all time, but especially so prior to a public emergency. This will determine the degree to which their rights are prioritised during an emergency response, whilst at the same time, ensuring any negative consequences for CYP are considered and mitigated for.

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For and on behalf of the Northern Ireland Commissioner for Children & Young People