



Proactive Release

Submissions on the Child and Youth Wellbeing Strategy

August 2019

The Department of the Prime Minister and Cabinet has released the following submission received during its public consultation on the child and youth wellbeing strategy.

Some of the information contained within this release is considered to not be appropriate to release and, if requested, would be withheld under the Official Information Act 1982 (the Act).

- Where this is the case, the information has been withheld, and the relevant section of the Act that would apply, has been identified.
- Where information has been withheld, no public interest has been identified that would outweigh the reasons for withholding it.

Key to redaction codes and their reference to sections of the Act:

- **9(2)a** – Section 9(2)(a): to protect the privacy of natural persons, including deceased people.

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Child and Youth Wellbeing Strategy – Submission Template

This document is intended for individuals or groups who wish to make a formal submission on the child and youth wellbeing strategy.

Please complete this template and email it to: childandyouthwellbeing@dpmc.govt.nz

A guide to making a submission is available on the DPMC website <https://dpmc.govt.nz/our-programmes/child-and-youth-wellbeing-strategy>

Submissions will close on **Wednesday 5 December**.

Please provide details for a contact person in case we have some follow up questions.

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Organisation Name:	YouthLaw Aotearoa Incorporated.
Organisation description: (tell us about your organisation – i.e. who do you represent? How many members do you have? Are you a local or national organisation?)	<p>YouthLaw Aotearoa (“YouthLaw”) is a Community Law Centre vested under the Legal Services Act 2000. We were established in 1987 as a national centre providing free legal advice and advocacy for children and young people under 25 years of age.</p> <p>We provide four main services to children and young people:</p> <ul style="list-style-type: none"> • We provide legal advice via our 0800 UTHLAW (884 529) advice line. • Legal information on our website and with other resources such as our phone app. • Education sessions for young people and those who work with them. • We work to make law changes that will improve access to justice for children and young people. <p>We help with issues such as school suspensions, employment problems, family issues, debt, bullying, and minor criminal cases. Our lawyers can support children and young people with basic information and advice to help them resolve an issue themselves and, where the case is more complex, we may provide legal representation at hearings and tribunals. We run preventative legal education workshops and publish youth-friendly information resources We also make submissions on youth-related law.</p>

Executive Summary:

(Please provide a short summary of the key points of your Submission - 200 words)

YouthLaw Aotearoa supports the development of the Child and Youth Wellbeing Strategy as a major development for children and young people in Aotearoa / New Zealand. It presents the best opportunity that we have had as a country to embed the rights of children under the United Nations Convention on the Rights of the Child.

YouthLaw Aotearoa supports the 16 focus areas of the proposed outcomes framework however we also support the submissions we understand will be made by many of the organisations in the Child Wellbeing Network (“CWN”) that:

1. It is unclear how any of the outcomes will be achieved at an operational level. Without this clarity there is a concern that they will remain aspirational goals and accordingly further explanation is necessary; and
2. The Child Impact Assessment Tool should be used to support any revision and further development of the Child and Youth Wellbeing Strategy to ensure that the guiding principles of the United Nations Convention on the Rights of the Child are reflected throughout the strategy including the right to participate in decisions that affect them; non-discrimination; best interests of the child; and the right to life, survival and development;
3. There is no proposal for any framework for tracking and monitoring the success of the Child and Youth Wellbeing Strategy over time. Such a framework is critical and should include tracking and monitoring by children and young people themselves based on their own lived experience and consistently with their right to participation in decisions that affect them.

In addition, we share the concerns we understand will be raised by Ara Taiohi and others in the youth development sector that the addition of youth to the strategy appears last minute. We also agree that any strategy on the wellbeing of all young people must be based on positive youth development principles and that appropriate resourcing is required.

Submission Content

Overall Comments

YouthLaw Aotearoa supports the call by the CWN for a revised outcomes framework that:

1. Clearly states the linkages between the desired outcomes and:
 - a. The rights under the United Nations Convention on the Rights of the Child, the United Nations Convention on the Rights of People with Disabilities, the United Nations Convention on the Elimination of Discrimination against Women and other key international human rights conventions that these give effect to, as well as linkages to other international obligations and standards, such as under the Sustainable Development Goals and United Nations declarations such as the United Nations Declaration on the Rights of Indigenous Peoples;
 - b. The Government's United Nations Convention on the Rights of the Child Work Programme; and
 - c. Te Tiriti o Waitangi / the Treaty of Waitangi.
2. Includes an additional 'Enabling settings and processes' layer to be added to the proposed outcomes framework, between the 'principles' layer and the 'desired outcomes' layer including:
 - a. Government budget and investment;
 - b. Government and community resources;
 - c. Community-based capability and capacity;
 - d. Partnership between Government and communities and community-based organisations;
 - e. Legislation, policies and practices that promote and protect children's rights;
 - f. Cross cutting policies (e.g. including data protection policies, privacy settings, etc);
 - g. Child rights and wellbeing training (to support and enable implementation of the Strategy); and
 - h. Mechanisms to enable children to participate in matters affecting them.
3. Uses language and framing that is more empowering for children and more inclusive thereby recognising their status as rights holders.
4. Makes the roles of different stakeholders and child rights duty bearers to be made more explicit including the various roles of government, NGOs and community-based organisations, families and whānau, parents and caregivers, and the business community/private sector. We agree that partnership between government and those organisations and people who are directly caring for, supporting and servicing children and young people every day is essential to achieving the vision and outcomes of the Child and Youth Wellbeing Strategy in practice meaning that it is also essential that the sense of ownership for the implementation of the Child and Youth Wellbeing Strategy is fostered and held more widely than just by government.

YouthLaw Aotearoa also acknowledge and support the concerns we understand will be raised by Ara Taiohi in relation to the late addition of "youth" to the strategy and issues that arise with translating a child centric welfare approach to young people, particularly older young people i.e. those between 18-24.

Proposed Focus Areas

1. Children and young people are safe and nurtured in their families, whānau and homes.

YouthLaw Aotearoa supports this focus area but agrees with the CWN that the first bullet point should be amended to read 'live in *safe* and loving homes'.

2. Children's and young people's physical safety is protected during everyday activities like travel and recreation.

YouthLaw Aotearoa support this focus area but submit that it should be amended to include emotional safety and education. Schools should have appropriate resources to support children with special educational needs and to ensure that they are able to participate fully without risk of harm.

YouthLaw Aotearoa agrees with the CWN that the bullet points should include children in work, and that the second bullet point should be amended to include injury and death of children at home.

3. Children and young people have positive interactions with peers and others outside the home

YouthLaw Aotearoa support this focus area although we submit that the third bullet point should be amended to bullying is *prevented* not simply reduced. We frequently see cases of bullying in schools where the young person and their family or whanau have concerns that the school has not taken appropriate, if any, action in relation to allegations of bullying. These incidents have significant impact on the physical and mental health and wellbeing of children and young people and it is critical that all schools have appropriate systems in place to ensure that children and young people are safe from bullying including both physical and emotional harm.

4. Children and young people and their families and whānau live in affordable, quality housing.

YouthLaw Aotearoa supports this focus area and submit that, in particular, mechanisms must be put into place to ensure housing is adequate, affordable and secure.

5. Child poverty is reduced, in line with the Government's intermediate and ten-year targets

YouthLaw Aotearoa supports this focus area and the specific recommendations made by Child Poverty Action Group in relation to the action required to achieve it.

6. Children and young people experience improved equity of outcomes, with services helping address the impacts of poverty, low socioeconomic status and disadvantage.

YouthLaw Aotearoa supports this focus area and the specific recommendations made by Child Poverty Action Group in relation to the action required.

7. Children and young people are free from racism, discrimination and stigma.

YouthLaw Aotearoa supports this focus area and agrees with the CWN that the bullet points should include a stronger focus on refugee children and young people, and also LGBTQI+ children and young people. We also agree that the focus areas for this desired outcome should include a stronger focus on bullying prevention.

8. The cultures of children, young people and their families and whānau are recognised, enhanced and supported.

YouthLaw Aotearoa support this focus area but submit that bullet point 2 should also include the promotion of Te Tiriti o Waitangi. We also agree with the CWN that the bullet points should include a stronger Pasifika focus.

9. Children and young people have improved opportunities for civic engagement and environmental awareness.

YouthLaw Aotearoa supports this focus area and submits that civics education is a necessary part of the support required for children and young people to be able to take up any opportunities for civic participation. For decades YouthLaw Aotearoa and other community law centres in the national network have provided legal education to communities in high need. We are acutely aware of how important legal education is to ensure people can exercise agency in their lives. Access to this education is fundamental and so important for young New Zealanders who are some of our most vulnerable citizens. Legal and civics education for children and young people presents one of the greatest opportunities to prevent early negative interactions with the justice system and embed a deep understanding of what it means to be a citizen.

YouthLaw Aotearoa also agrees with the CWN that an additional area of focus should be added: 'Children and young people live in a healthy and sustainable environment,' followed by bullet points including: 'children and young people have opportunities and are supported to engage in environmental protection and promotion'.

10. Children and young people and their families and whānau are empowered to make healthy lifestyle decisions for children and young people.

YouthLaw Aotearoa agrees with the CWN that a linkage needs to be made to children and young people's mental and emotional wellbeing.

11. Disabled children and young people have improved opportunities and outcomes.

YouthLaw Aotearoa supports this focus area but agrees with the CWN that the focus should not merely be on disabled children and young people having 'improved opportunities and outcomes', but to be able to be fully included to enjoy a full and decent life, and supports suggested re-wording: 'Disabled children and young people are assured of equitable opportunities and outcomes.'

Through our services, we have significant experience of the barriers children with disabilities face in receiving meaningful education in mainstream education in New Zealand. We are aware of a number of barriers children with disabilities currently face in education including:

- Not being allowed to enrol at their local school
- Being excluded from extra-curricular activities
- Only being allowed to attend school for part of the day
- Teachers or teacher aides not being adequately trained
- Bullying or poor conduct from teachers or other students
- Procedures not being followed correctly
- Not receiving enough support in the classroom
- Being suspended or excluded from school from reasons relating to their disability
- Being asked to move to another school

These barriers and the wider issues in relation to adequacy of special education in Aotearoa / New Zealand are explored in our 2016 report *Challenging the Barriers* <http://youthlaw.co.nz/wp-content/uploads/2017/06/Challenging-the-Barriers.pdf>

12. Children’s and young people’s mental wellbeing is supported.

YouthLaw Aotearoa supports this focus area. However, as submitted above in relation to focus area 3, the outcome sought should be that bullying is *prevented* not simply that children and experience *less* bullying.

13. Children and young people are supported to make positive decisions.

YouthLaw Aotearoa supports this focus area and agrees with the CWN that the second bullet point needs to be reframed to be about children and young people being supported to understand their rights and responsibilities and the rights and responsibilities of others. It is critical that children and young people receive appropriate education in relation to their rights and responsibilities in order for them to be able to make positive decisions.

Few children and young people are aware of the rights and protections that the law gives them. This fact, combined with their age, can make them extremely vulnerable to exploitation at the hands of adults they come across in various areas of their life. Unresolved legal problems are also expensive and lead to further problems. For example, legal problems associated with education can cluster with problems in relation to the criminal law and/or in employment and lead to a cascade effect in which a difficulty in one aspect of life leads to problems in other areas.

YouthLaw Aotearoa also supports the proposal of the CWN that a bullet point should be added relating to children’s Article 12 of the United Nations Convention on the Rights of the Child which states that children have the right to participate in decisions that affect them. Decision making processes and structures that support this must also be put in place.

14. Children experience best development in their “first 1000 days”, safe and positive pregnancy, birth and responsive parenting (conception to around 2).

YouthLaw Aotearoa supports this focus area and agrees with the CWN that the outcome should be reframed to include “up to the age of three”, given the wealth of evidence that exists documenting the crucial and significant development that occurs up until this age.

15. Children are thriving socially, emotionally and developmentally in the early years (around 2 to 6)

YouthLaw Aotearoa supports this focus area but submits that the first bullet point be amended to include “safe”.

16. All children and young people have an equal chance to gain the skills, knowledge and capabilities for success in life, learning and work.

YouthLaw supports this focus area but submits that the bullet points below should be amended to be consistent with the amendments proposed above in relation to education. YouthLaw’s previous research has shown that barriers to inclusive education for students

in New Zealand. In particular, some students face informal hurdles at all three stages of education:

- At the outset with barriers encountered upon entry to education;
- During access and participation within education; and
- At the end of schooling life with the occurrence of removals and questionable processes following removal. This results in sustained periods of absence from schooling and permanent removal.

It has also come apparent to us that vulnerable sub-groups of students seem to be disproportionately impacted by barriers to education. In particular, our research indicated a trend of Maori students in particular being subject to a large number of informal barriers and an overwhelming number of students with special needs also experiencing significant barriers. Our research in relation to these barriers to education is available here: <https://drive.google.com/file/d/0BxhAUv9h7vtwa293ODNFbDNtdTg/view>

Please note that your submission will become official information. This means that the Department of the Prime Minister and Cabinet may be required to release all or part of the information contained in your submission in response to a request under the Official Information Act 1982.

The Department of the Prime Minister and Cabinet may withhold all or parts of your submission if it is necessary to protect your privacy or if it has been supplied subject to an obligation of confidence.

Please tell us if you don't want all or specific parts of your submission released, and the reasons why. Your views will be taken into account in deciding whether to withhold or release any information requested under the Official Information Act and in deciding if, and how, to refer to your submission in any possible subsequent paper prepared by the Department.