



Improving the wellbeing of children and young people in New Zealand

Child Impact Assessment Guide

New Zealand Government

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What is the Child Impact Assessment Tool?

The Child Impact Assessment (CIA) Tool aims to help government and non-government organisations in New Zealand to assess whether policy/legislative proposals improve the wellbeing of children and young people.

It will also support New Zealand's commitment to the United Nations Convention on the Rights of the Child (Children's Convention) and the development of policies that explicitly consider the potential impacts on children and young people.

The tool includes templates that agencies can use to test and assess any proposed law or policy for consistency with the intent of the Children's' Convention.

Children and young people's rights provide a basis for holistic, child and youth-centred policy advice. Government agencies are required to consider and apply the principles of the Children's Convention in their work with and for children and young people.

The CIA Tool enables agencies to identify, analyse and assess the impacts of any proposed law or policy on the rights and wellbeing of children and young people. The impacts can be direct or indirect; short, medium or long-term; and positive, negative or neutral.

The CIA Tool comprises:

- a screening sheet
- a three step (full) CIA
- this guidance document.

Who should use the CIA Tool?

The CIA Tool has been designed for people in the public sector who are developing policies and legislation, either single-agency or cross-agency work programmes.

It may also be used by agencies outside the core public service, such as non-government organisations (NGOs), or by local government (territorial local authorities (TLAs), Regional Councils or by Youth Councils).

Tool guidance

Use of these templates will help agencies and organisations consider the impact on children of any policy or legislation proposals being developed.

Only the most crucial guidance has been provided, acknowledging that each agency or individual will bring particular proposal-specific context and information to each CIA assessment.

The Child Impact Assessment Screening Sheet is a useful place to start for agencies unsure if their proposal does or does not impact on children and young people or whether or not to progress to a full template. It is a starting point to ensure that the impacts of children are considered.

Where the proposal will have distinct and significant impacts on children and young people, it is recommended to progress to the **full Child Impact Assessment**.

The appendices provide two documents that will help agencies and organisations to complete the CIA template. This includes guidance for proposals that have particular impacts on Māori children and young people, and Children’s Convention cluster and list articles.

When to use the Child Impact Assessment Screening Sheet

The Child Impact Assessment Screening Sheet can be used to help determine which proposals should be assessed more fully or if the impacts on children and young people merit further analytical steps. Completion of a Screening Sheet may be enough for some proposals ie those proposals for which the impacts on children are assessed as neither distinct nor significant.

Use of this sheet could be of particular benefit internally to an agency. It can allow drafters or proposers to consider the rights of children and young people at an early stage and results can be fed into ongoing policy/decision-making processes.

If the impacts on children and young people are assessed as **distinct and significant** – which might only become apparent as a Child Impact Assessment Screening Sheet is being completed – then Screening Sheet material can be transferred into, and expanded upon, within a Child Impact Assessment.

When completing the Screening Sheet, note should be made of:

- positive impacts on children and young people of the proposal
- mitigations for any negative effects or unintended consequences.

When to carry out the full Child Impact Assessment

The full analysis is designed to consider how a proposal will affect various groups of children and young people. Benefits of any proposal, ie where resilience will be enhanced for children or young people, and mitigations of negative impacts or unintended consequences can be captured.

There is more scope in the full Child Impact Assessment (than in the Screening Sheet) to unpack the broader context of any proposal, for example, how it may impact on issues such as school engagement, socio-economic factors (such as child poverty), youth wellbeing/development or disability, to which reference to the relevant 'cluster' of Children's Convention articles should be made (see Appendix 2).

As with the Screening Sheet, citation should be made to relevant Children's Convention articles wherever possible (see Appendix 2). For instance, in completing template sections on input from children and young people themselves, reference should be made to Article 12, one of the 'general principle' Children's Convention articles to respect the views of children and young people.

The full Child Impact Assessment can be used with the following processes:

- to incorporate analysis of proposals for which a Child Impact Assessment Screening Sheet alone is not sufficient, with Screening Sheet material transferred into the full analysis and expanded upon
- helping inform stakeholder relationship planning
- assessment of significant legislative, service design and delivery implementation or policy options and recommendations, including Budget proposals
- helping prepare advice on human rights implications and/or a Regulatory Impact Analysis (as part of the standard process for Cabinet papers).

It is important to assess whether or not a policy proposal should proceed in light of the impacts that have been identified

In assessing differential impacts, what is good for one group of children and young people may or may not be equally positive for other groups of children, parents/carers, service providers or agencies. An example is balancing a child's right to privacy with the need to keep them safe.

The best interests of children or young people may be given primary consideration but a policy proposal, service implementation or piece of legislation may still proceed or be supported despite any negative aspects identified by a CIA analysis. There are often constraints on decision-making, such as where there is previous Ministerial decision-making or trade-offs that may prevent the most child-friendly policy being implemented.

What do you do when you have completed your assessment?

When you have completed your assessment you will use it to inform the advice that you are developing about a particular policy proposal.

You can reference it and include the findings as part of your overall advice on the policy proposal being considered (this may be in an internal report for your agency; a report for Ministers; or a report for Cabinet). You may decide to attach the CIA assessment as an appendix to the advice that you are preparing about the policy proposal in question. The CIA will be one aspect of the advice developed and one piece of evidence used to support your rationale and advice about the proposal being considered.

Agencies can also tailor their use of the CIA Tool to their own specific situations, for example, if appropriate an agency may decide to publish their CIAs.

We have aimed to provide a tool that is able to be picked up by a range of agencies and used as a starting point for considering the impacts of policy proposals on children. Agencies are able to tailor their processes and implementation of the tool to their own specific circumstances.

There are different ways to ensure that the views of children and young people are part of the evidence base of your CIA

When consulting directly with children and young people it is important to ensure diverse voices are represented and that different mechanisms are available to support participation by a broad range of children and young people. Agencies with expertise could be consulted and may also have useful resources available to support you (for example Ara Taiohi, the Office of the Children's Commissioner, Rainbow Youth, IHC New Zealand).

In addition to direct consultation, the perspectives of children and young people can be gained by:

- contact with relevant organisations working with and on behalf of children and who may have publicly available information on the views of children
- analysing consultation already undertaken and re-examining the content in light of the current policy proposal, for example the Office of the Children's Commissioner regularly undertake consultation on a range of issues and publish the results
- consider mechanisms that are already in place for young peoples views to be heard, for example, youth advisory councils
- undertaking a literature search for published work that includes the views of children and young people

- reaching out to relevant service providers who can provide insights into the experiences of the children and young people that they work with, particularly when the policy proposal you are assessing is relevant to particular locations or particular groups of young people
- using the range of available tools and research sites to localise your analysis to particular locations, populations, or issues. For example, Treasury; Stats NZ; Te Puni Kōkiri; the New Zealand Family Violence Clearinghouse; Insights.

Who can make most use of the CIA Tool?

The CIA Tool has been designed for people in the public sector who are developing policies and legislation, either single-agency or cross-agency work programmes.

It may also be used by agencies outside the core public service, such as non-government organisations (NGOs), or by local government (territorial local authorities (TLAs), Regional Councils or by Youth Councils).

Using the CIA Tool is voluntary, but use of the Tool will ensure that agencies explicitly consider the impacts on children and young people in policy, services and legislation development.

The CIA Tool is distinct because it:

- is designed to be used to consider impacts specifically on children and young people
- sets general parameters to assess these impacts
- is linked to a specific international treaty and our aspirations for children and young people in New Zealand.

Use of the CIA Tool ensures that the impacts of policy proposals on children and young people are assessed and makes clear any trade-offs being considered or mitigations identified.

Why should you use the CIA Tool?

Using the CIA Tool will improve policy advice processes, support child-centred practice and demonstrate our commitment to the Children’s Convention.

When New Zealand ratified the Children’s Convention in 1993, we agreed to promote and protect the rights of children and young people. In ratifying the convention, New Zealand assumed obligations to ensure that our laws, policies and practices comply with the Children’s Convention.

The articles of the Children’s Convention cover a wide range of issues that can be assessed by using the CIA templates.¹ The templates and this guidance document cover relevant articles. However, it is important to note that all proposals need, at the minimum, to be assessed against the ‘general principle’ Articles (refer Appendix Two: General Principles).

Why was the CIA Tool developed?

In February 2011, the United Nations (UN) Committee on the Rights of the Child recommended, as part of its Concluding Observations, that New Zealand should do more to consider the views of children and young people at all levels of decision-making.

In response, the Ministry of Social Development developed a work programme that was approved by Cabinet. The work programme includes:

- obtaining the views of children in policy and legislation development processes
- considering the impacts of policy and legislation on children.

The CIA Tool is a part of this work programme and has involved the input of a number of departments and agencies.

¹ See Appendix 2: United Nations Convention on the Rights of the Child article clusters and listings

What approach was used to develop the CIA Tool?

There is no UN prescription on what an assessment tool should include or how it should be set out.

A number of other countries – including Sweden and Scotland – have developed tools to help analyse service delivery, policy and legislative proposals to ensure they are child-centred and Children’s Convention-compliant. The models vary, but generally include screening, scoping, assessment/key questions, consultation and reporting elements.

The CIA templates have been developed based on a pragmatic approach of adapting established international models to use in a New Zealand context. Swedish, Flemish and English templates were considered before an adaptation of a Scottish model was settled on.

The CIA Tool joins a family of resources available to support child and young person-centred decision-making².

2 In New Zealand, there are other tools that may sit alongside a CIA analysis, such as Kapasa (Ministry of Pacific Peoples: <http://www.mpp.govt.nz/library/policy-publications/kapasa/>) and the Child-Centred Decision-Making Tool (Office of the Children’s Commissioner) – see: <http://www.occ.org.nz/listening2kids/child-centred/>

Additional information and resources

Child Centered Thinking - The Office of the Children's Commissioner

The Office of the Children's Commissioner have a 5 step tool that supports child-centred decision making and describes key parts of the Children's Convention.

» <http://www.occ.org.nz/assets/Uploads/Being-Child-Centred.pdf>

1. How will the decision (or lack of decision) affect children?
2. How will the decision affect children differentially?
3. What do children say?
4. Decide in children's best interest
5. Report back to children how their views affected the decision.

Other conventions and agreements

You may want to refer to other United Nations conventions and agreements as part of your analysis, for example:

- United Nations Declaration on the Rights of Indigenous Peoples (UNDRIP)
- Convention on the Rights of Persons with Disabilities (CRPD or the Disability Convention)
- Universal Declaration of Human Rights (UDHR)
- International Covenant on Economic, Social and Cultural Rights (ICESCR)
- International Covenant on Civil and Political Rights (ICCPR)
- Universal Periodic Review (UPR)
- Convention on the Elimination of all Forms of Discrimination against Women (CEDAW)
- International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)
- Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT)
- United Nations Convention relating to the Status of Refugees
- International Convention for the Protection of All Persons from Enforced Disappearance (CIPED)

You can find further information about human rights legislation at the Human Rights Commission:

» <https://www.hrc.co.nz/your-rights/human-rights/international-human-rights-legislation/>

Appendix 1: Guidance for proposals that impact Māori children and young people

Implementing the Children’s Convention, for all Aotearoa/New Zealand-based users, is in the context of Te Tiriti o Waitangi/Treaty of Waitangi as the foundational document for Aotearoa/New Zealand.

All CIA template analyses must have regard to the whakapapa of children and young persons and the whanaungatanga responsibilities of their whānau, hapū, and iwi.

Your assessment should include an analysis of proposals for how they:

- support the benefits derived from a child or young person belonging to a whānau, hapū, iwi, or family group (Children’s Convention Articles 8 and 30) by acknowledging:
 - **whakapapa**, in relation to a person, means the multi-generational kinship relationships that help to describe who the person is in terms of their mātua (parents), and tūpuna (ancestors), from whom they descend
 - **whanaungatanga**, in relation to a person, means:
 - a. the purposeful carrying out of responsibilities based on obligations to whakapapa:
 - b. the kinship that provides the foundations for reciprocal obligations and responsibilities to be met:
 - c. the wider kinship ties that need to be protected and maintained to ensure the maintenance and protection of their sense of belonging, identity, and connection (Section 2 (1) Oranga Tamariki Act 1989)
- strengthen cultural identity.

Consider if Māori children and young people are likely to experience differential impacts from the policy proposal (positive and/or negative) and the impacts on mana and wellbeing i.e. assess and state the positive, neutral or negative impacts that may be specific to Māori children and young people.

- **Impacts on a family or whānau unit** (cf. Children’s Convention Article 8):
 - Will it affect the dynamic of the family or whānau unit?
 - Will it support or hinder the ability of parents/caregivers (including gendered impacts) to nurture their children?
- **Impacts on the wider hapū, iwi or community** (cf. Children’s Convention Articles 30 and 31):
 - Will it reduce access to services within the community by children and young people?
 - Does it impact a child’s right to leisure and recreation?
 - Will it enhance or diminish the ability for iwi to care for their members?

Appendix 2: United Nations Convention on the Rights of the Child article clusters and listings

This information below has been designed to:

- cluster the articles together to make navigation and usage easier
- provide links to other relevant resources and full-text sources
- list the Children’s Convention articles in single-sentence summaries.

This information will assist users of the CIA Tool to reference specific Children’s Convention articles as part of their CIA analysis.

Article ‘clusters’

This section has been developed to provide assistance to CIA Tool users. It has been compiled from adaptations and advice from the United Nations Committee on the Rights of the Child. For instance we have created a CIA-specific cluster that is a suggested starting-point for assessing impacts on Māori children and young people.

The following clusters are starting points only and particular proposals may apply to other, non-listed articles depending on the proposal.

The rights set out in the Children’s Convention are subject to such limitations (in some cases) as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others (for example Articles 13, 14, 15).

General principles

All CIA assessments (Child Impact Assessment Screening Sheet or full analysis) should begin with the ‘general principle’ Children’s Convention articles, ie 2, 3, 4, 5, 6, 12 before other, more specific articles are cited. Note that we include Articles 4 and 5 in this category which is becoming more standard usage in Children’s Convention policy contexts:

Article 2 - The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say, no matter what type of family they come from.

Article 3 - All organisations concerned with children should work towards what is best for them.

Article 4 - Governments should make these rights available to all children.

Article 5 - Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

Article 6 - Children have the right to life. Governments should ensure that children survive and develop healthily.

Article 12 - Children have the right to say what they think should happen when adults are making decisions that affect them, and to have their opinions taken into account.

Civil Rights and Freedoms: 7, 8, 13, 14, 15, 16, 17, 28, 37, 39

Article 7 - Children have the right to a legally registered name and nationality. Children also have the right to know and, as far as possible, to be cared for by their parents.

Article 8 - Governments should respect a child's right to a name, a nationality and family ties.

Article 13 - Children have the right to get, and to share, information and to express their views.

Article 14 - Children have the right to think and believe what they want and to practice their religion. Parents should guide their children on these matters.

Article 15 - Children have the right to meet with other children and young people and to join groups and organisations.

Article 16 - Children have the right to privacy. The law should protect them from attacks against their way of life, good name, family and home.

Article 17 - Children have the right to reliable information from the mass media. Television, radio, and newspapers should provide information that they can understand, and should not promote materials that could harm them.

Article 28 - Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free. Wealthy countries should help poorer countries achieve this.

Article 37 - If a child breaks the law, they should not be treated cruelly. They should not be put in a prison with adults and should be able to keep in contact with their family.

Article 39 - Children who have been neglected or abused should receive special help to restore their self-respect.

Family Environment and Alternative Care: 5, 9, 10, 11, 18, 19, 20, 21, 25, 27, 39

Article 5 - Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly.

Article 9 - Children should not be separated from their parents unless it is for their own good – for example, if a parent is mistreating or neglecting their child. If parents have separated, children have the right to stay in contact with both parents, unless this might harm them.

Article 10 - Families who live in different countries should be allowed to move between those countries so that parents and children can stay in contact or get back together as a family.

Article 11 - Governments should take steps to stop children being taken out of their own country illegally.

Article 18 - Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

Article 19 - Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

Article 20 - If a child cannot be looked after by their own family, they must be looked after properly, by people who respect their religion, culture and language.

Article 21 - If a child is adopted, the first concern must be what is best for them. The same rules should apply whether the adoption takes place in the country where they were born or if they move to another country.

Article 25 - Children looked after by their local authority rather than their parents should have their situation reviewed regularly.

Article 27 - Children have a right to a standard of living that is good enough to meet their physical and mental needs. The government should help families who cannot afford to provide this.

Article 39 - Children who have been neglected or abused should receive special help to restore their self-respect.

Basic Health and Welfare: 6, 18, 23, 24, 26, 27, 33

Article 6 - Children have the right to life. Governments should ensure that children survive and develop healthily.

Article 18 - Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments should help parents by providing services to support them, especially if both parents work.

Article 23 - Children who have a disability should receive special care and support so that they can live a full and independent life.

Article 24 - Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they can stay healthy.

Article 26 - The government should provide extra money for the children of families in need.

Article 27 - Children have a right to a standard of living that is good enough to meet their physical and mental needs. The government should help families who cannot afford to provide this.

Article 33 - The government should provide ways of protecting children from dangerous drugs.

Education, Leisure and Culture: 28, 29, 30, 31

Article 28 - Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free.

Article 29 - Education should develop a child's personality and talents to the full. It should encourage them to respect their parents, their own and other cultures.

Article 30 - Children have a right to learn and use the language and customs of their family whether or not these are shared by the majority of the people in the country where they live.

Article 31 - Children have a right to relax, play and join in a wide range of activities.

Culturally specific articles, including cultural activities.: 8, 30, 31

Article 8 - Governments should respect a child's right to a name, a nationality and family ties.

Article 30 - Children have a right to learn and use the language and customs of their family whether or not these are shared by the majority of the people in the country where they live.

Article 31 - Children have a right to relax, play and join in a wide range of activities.

Special Protection Measures: 22, 30, 32, 33, 34, 35, 36, 37, 38, 39, 40.

Article 22 - Children who have come into a country as refugees should have the same rights as children born in that country.

Article 30 - Children have a right to learn and use the language and customs of their family whether or not these are shared by the majority of the people in the country where they live.

Article 32 - The government should protect children from work that is dangerous or might harm their health or education.

Article 33 - The government should provide ways of protecting children from dangerous drugs.

Article 34 - The government should protect children from sexual exploitation and abuse.

Article 35 - The government should ensure that children are not abducted or sold.

Article 36 - Children should be protected from any activities that could harm their development.

Article 37 - If a child breaks the law, they should not be treated cruelly. They should not be put in a prison with adults and should be able to keep in contact with their family.

Article 38 - Governments should not allow children under 16 to join the army. In war zones, children should receive special protection.

Article 39 - Children who have been neglected or abused should receive special help to restore their self-respect.

Article 40 - Children who are accused of breaking the law should be informed promptly and directly of the charges, receive legal help, and be treated in a manner consistent with the promotion of the child's sense of dignity and worth.

Remaining articles

Article 41 - If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.

Article 42 - The government should make the Convention known to all parents and children.

Articles 43-54 - These articles are about how adults and governments should work together to make sure all children get all their rights.

Alternate and full text versions are also available

Children's Convention articles (full text):

» <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>.

The UN Convention on the Rights of the Child. A Guide for Children and Young People (Scottish Government, 2016). Includes the Children's Convention articles re-worked into child and young-person-friendly language and format:

» <http://www.gov.scot/Publications/2016/10/9703>

The Scottish, Welsh and English Children's Commissioners have further developed a simplified version the Children's Convention to communicate 42 articles via symbols and easy to read language:

» <https://www.cypcs.org.uk/rights/uncrcarticles/symbols>

A Summary of the UN Convention on the Rights of The Child (slightly longer summaries of the articles) - issued by UNICEF (UK):

» https://www.unicef.org.uk/wp-content/uploads/2010/05/UNCRC_summary-1.pdf

» <https://www.cypcs.org.uk/rights/uncrcarticles>

User-friendly summaries of the Children's Convention

A summary of the 'general principle' articles:

» <http://www.nickey.org/media/2642/nickey-uncrc-a2-poster-2016.pdf>

A3 poster-style summaries of the Children's Convention articles:

» <https://issuu.com/philayres/docs/unrights>

» <https://issuu.com/unicefaustralia/docs/childfriendlycrc>

