



OFFICE OF THE MINISTER FOR CHILDREN  
OIFIG AN AIRE DO LEANAÍ



DEPARTMENT OF HEALTH AND CHILDREN  
AN ROINN SLÁINTE AGUS LEANAÍ



The Development and  
Implementation of  
**Child Impact  
Statements  
in Ireland**

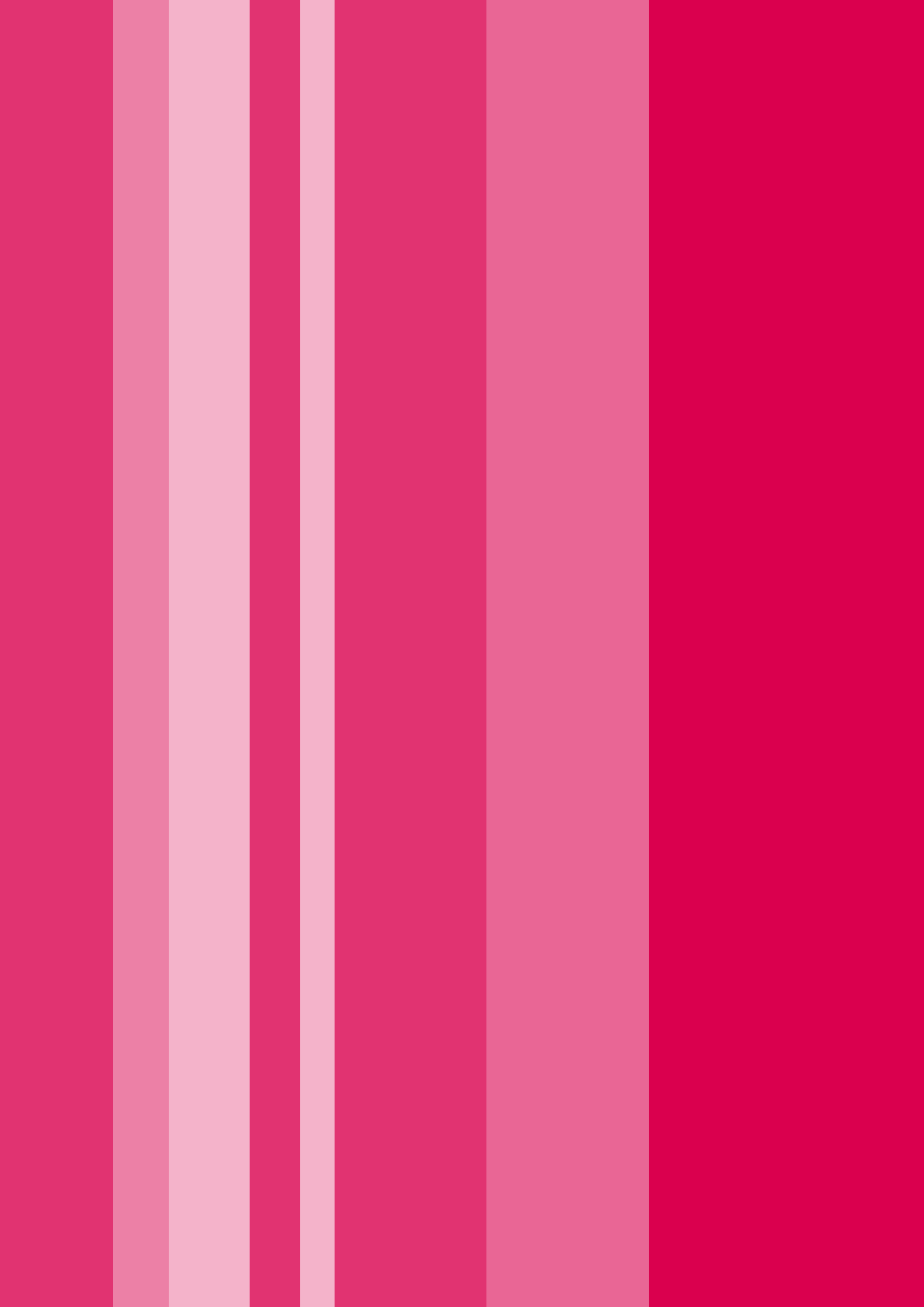
The National Children's Strategy  
Research Series



# The Development and Implementation of **Child Impact Statements in Ireland**

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# **1 INTRODUCTION**

## Background to Child Impact Statements

Ireland's National Children's Strategy, *Our Children, Their Lives* (Government of Ireland, 2000), contains the following commitment:

When seeking a government decision, all departments will be required, where relevant, to identify the impact of their policies on children. The value of child impact statements is derived from the early identification of the potential impact of policies on children and their families. Potential effects of decisions can be identified to assist decision-making which is positive for children. The impact on particularly vulnerable children will be highlighted. In this way they will contribute to keeping children's issues to the fore in the government decision-making process.

The concept of child impact statements was first promoted by Freeman in 1987, prior to the United Nations Convention on the Rights of the Child (UNCRC), 1989. The basic rationale underlying this concept is that those designing public policy should be compelled to consider the impact of these policies on children. Freeman is specific in his use of terms and refers to policy instead of legislation because the former 'is wider and embraces a congeries of activities which affect our lives, intentionally or unintentionally' (Freeman, 1997).

Freeman (*ibid*) argues that the direct and indirect impacts of policies on children are rarely given any consideration by policy-makers. He argues that this is a concern in respect of all policy, but that child impact statements are particularly important where the policy is not obviously concerned with children. He states: 'All too rarely is consideration given to what policies formulated at the level of government, bureaucracy or local state level do to children. This is all the more the case where the immediate focus of the policy is not children. But even in children's legislation, the unintended or indirect effects of changes are not given the critical attention they demand. But where the policy is "headlined" children, immigration policy or housing policy for example, the impact on the lives of children is all too readily glossed over, even where the effect on children could be so easily predicted.'

Freeman promotes the idea of a children's Ombudsman and argues that analysing and commenting on proposed legislation should be part of that role. Such an Ombudsman would have greater independence and objectivity than a Minister for Children who may, Freeman argues, be more concerned with defending government policy than with representing and promoting children's interests. This idea is clearly reflected in the current remit, if not the actual work, of many of the children's Ombudsmen that have been appointed since the ratification of the UNCRC.

The UN Committee on the Rights of the Child has also promoted the use of child impact statements. For example, in its 1996 observations on the implementation of the UNCRC in Hong Kong, the Committee states: 'It is recommended ... that in the formulation of policy options and proposals there should be an accompanying assessment of its impact on children so that decision-makers can be better advised when formulating policy as to its effect on the rights of the child recommended by the Committee.'

Despite the growing awareness of the need to consider children's rights and needs since the UNCRC came into being, few countries conduct any systematic assessment of the impact of policy on children. However, policy impact assessment on a range of issues is becoming increasingly common, as illustrated by the range of impact assessment processes listed by the International Association for Impact Assessment (see [www.iaia.org](http://www.iaia.org)). This list includes environmental impact assessment (EIA), social impact assessment (SIA), cumulative effects assessment (CEA), health impact assessment (HIA), risk assessment, and strategic environmental assessment (SEA).

In Ireland, Government is encouraged, and in some cases required, to consider the impact of its policy proposals against a growing list of issues, including gender, poverty, equality, environment, health and rural development.

## Objectives of the study

This study aims to draw on the Irish experience of various impact assessment exercises and the experience of a small number of countries which assess their policies on children in order to inform the

Office of the Minister for Children in supporting the development and implementation of child impact statements in Ireland.

The objectives of the study are:

1. To explore and clarify different conceptualisations of impact statements and related concepts used in Ireland and abroad.
2. To highlight common ground and differences between the various concepts.
3. To review the experience in Ireland and internationally of the development and implementation of impact statements in a number of policy areas.
4. To consider a framework for the development of a system of child impact statements in the Irish context.
5. To consider the practical implications of implementing child impact statements.
6. To make recommendations on the introduction of such a system in Ireland.

## Methodology

This study is based on a comprehensive literature review and semi-structured interviews with representatives of key government departments and agencies.

### Literature review

The main body of this report is based on a literature review. Overall, a reflective approach to literature searches and analyses was adopted. This allowed for a process of initial searching, scanning, analysis and researching as key sources, concepts and models became evident. The following process was followed in order to ensure extensive coverage of the area:

- Relevant Irish documentation on policy-proofing was identified and reviewed.
- Literature on the subject of child impact assessments as well as other relevant areas was sourced initially through web searches on key words and phrases. These included child impact statements, impact statements, impact assessment, impact appraisal, policy proofing, policy evaluation, impact evaluation and impact indicators. Where literature could not be accessed online, this was primarily sourced through libraries and relevant organisations.
- To prevent this literature review becoming unmanageable, three basic criteria were applied to the inclusion or exclusion of texts: (i) materials must be in English; (ii) literature must have been produced in the last 14 years (i.e. the review went back to 1990, although this was open to exceptions in relation to key documents); and (iii) materials must be published or publicly available either online, through accessible libraries, from the originating commissioning or other organisations, or through booksellers.

### Semi-structured interviews

In addition to the literature review, semi-structured interviews were held with key individuals and organisations. The purpose of these interviews was two-fold: (i) to draw on the interviewees' knowledge and awareness of impact assessment or policy-proofing as potential policy-making tools, as well as their experience of the design or implementation of such procedures; and (ii) to ascertain their views on the potential of child impact statements as a tool for effective policy-making.

Representatives of the following departments and agencies kindly contributed their time and knowledge to the study: the Department of Health and Children; the Department of Environment, Heritage and Local Government; the Office for Social Inclusion in the Department of Social and Family Affairs; the NDP Gender Equality Unit in the Department of Justice, Equality and Law Reform; Barnardos; the Combat Poverty Agency; the Children's Rights Alliance; the End Child Poverty Coalition; the Equality Authority; and the Institute of Public Health in Ireland.

Relevant personnel in each of these organisations were contacted early in the study. The purpose and parameters of the study were briefly explained and requests were made in respect of identifying and providing relevant sources of information and to undertaking interviews in November. Without exception, personnel in each organisation expressed an interest in the study and offered their cooperation.

The majority of the interviews were conducted by telephone and had an average length of approximately 50 minutes. A short list of questions relating to policy impact assessment or proofing, and to child impact statements was circulated to interview participants prior to interviews. It was emphasised, however, that these questions were intended only as a guide to the discussion. In fact, very few interviews followed the format of these questions, but the issues raised by the questions were in fact addressed.

### **Other contacts**

In addition to the literature review and interviews, contact was also made with a number of agencies and individuals abroad with an expertise in children's issues. These included the National Children's Bureau in England; the Commission for Children and Young People in Scotland and Wales; the Children and Young Peoples Unit in Northern Ireland; the Children's Ombudsman in Sweden; and the Office for the Co-ordination of Children's Rights in Flanders. The information, insights and documents provided by these organisations were invaluable.

### **Some key issues arising in application of methodology**

Two key issues arose in the application of the methodology. The first of these is the general dearth of materials available on child impact statements or child impact assessment. Web and library searches revealed early on in the study that there is very little written on this subject. Even where materials exist, many of these are not in English. For example, the first Children's Ombudsman was appointed in Norway and many people referred to this country as a good starting point for the study. However, none of the materials on this subject in Norway are available in English. Several attempts were made to contact the Ombudsman's Office in Norway by both e-mail and telephone to discuss child impact assessment, but unfortunately to no avail. In addition, while Flanders is included in Chapter 5 as an example of the implementation of child impact statements, only one key document is available in English. Furthermore, little of the material available on child impact statements or assessment is evaluative and therefore identifying what works and what does not in this area is difficult. This issue reflects the relatively early stage of development of child impact assessment internationally.

The second issue that arose concerns impact assessment procedures in other policy areas and for other target groups. When one moves beyond the particular issue of child impact assessment to other areas of policy assessment – such as health, environment, gender and social issues – the problem of an overabundance of literature prevails in the international arena. Web and library searches reveal thousands of documents on these subjects. Again, however, it would appear that there is relatively little critical material available in respect of specific models or methods used, both in Ireland and internationally. Bearing this in mind, this study does not deal with the models and methods used in these areas in other countries. To engage with these in any substantive way is beyond the scope of the current work. Instead, in recognising that many of the Irish methods have been influenced by international practice and in particular by developments in impact assessment in the European Union (EU), this report concentrates on placing impact assessment within an international context and reviewing the various forms of impact assessment being applied in Ireland.

### **Structure of report**

*Chapter 2* presents the rationale behind child impact statements and seeks to clarify some of the key terms used in this area. *Chapter 3* presents an overview of the approach to impact assessment in the European Council and Commission of the European Union, as well as looking briefly at models adopted by the World Bank and OECD, and also examines the development of international child policy. *Chapter 4* provides an overview of the various policy-proofing and impact assessment procedures currently being employed or developed in Ireland. *Chapter 5* looks at child impact statements in three countries – Sweden, Flanders and England. Finally, *Chapter 6* draws on the previous discussion to identify some key considerations and recommendations on the development and implementation of child impact statements in Ireland. The *Bibliography* is followed by *five appendices* detailing impact assessment processes in various countries.

# **2 RATIONALE FOR CHILD IMPACT STATEMENTS AND KEY TERMS**

Policy impact assessment has become increasingly common in the past two decades. In Ireland, the growing list of areas against which policy-makers are now asked to prove their policies is evidence of this. These include gender, poverty, equality on nine grounds, environment and health. In other countries, family and social impact assessment is also common. Given this extensive list, one must ask why children should be added to it? This chapter looks at the answer to this question and at some of the key concepts used in the examination of the impact of policy on children.

## Rationale for Child Impact Statements

Bonwitt (2001) has defined impact assessment as: 'Impact assessment is designed to improve the quality of information available to decision-makers. Clearly, political decisions are influenced by more than "professional" information. However, it is important that politicians fully understand the consequences, e.g. the costs, benefits and distributional effects, of their decisions. That is the contribution of impact assessment.'

Child impact statements are necessary because children are the most vulnerable group in any society. They are without political power since they cannot vote and are therefore largely invisible in public policy. Children are often the group that suffer most from poor policy choices. Their health suffers more from environmental pollution, they are more dependent on public transport and are more often the victims of crime. They are dependent on adults and governments to represent their views and protect their interests (Payne, 2002). In a society that claims to respect the rights of the child and seeks to develop active citizenship, special mechanisms such as child impact statements are required to ensure children's interests are kept to the fore. They promote the concept of adults as people who are both responsible for and accountable to children (*ibid*).

In addressing the question of why we need child impact statements, Hodgkin (1999) identifies four key reasons:

1. *Children are disenfranchised.* Although children are recognised as citizens in their own right, since they cannot vote they are largely excluded from the political process. Therefore special mechanisms are required to ensure that their best interests are promoted and protected.
2. *Government structures and processes tend to fail children.* Policies affecting children are frequently fragmented across a number of government departments and agencies, and their interests frequently come second to other more influential policy agendas. This low level of visibility and lack of coherence and coordination of policy that affects children needs to be addressed through specific measures, including child impact statements.
3. *Children are disproportionately affected by government policy and provision.* Given that children represent one of the largest groups in society and are still in the process of growth and maturation, they are both quantitatively and qualitatively more vulnerable to the positive and negative effects of government activity.
4. *Good policies that have a positive impact on children today are an investment in the society of the future.* The financial and social costs of poor policy, resulting in a failure to secure children's healthy development, are high and will have to be borne by everyone.

Hodgkin (1999) argues that for these reasons children should receive priority among the many target groups for which policy should be vetted. This is reinforced by the fact that children are a clearly defined group with very precise needs. Although much of the policy impact assessment or proofing that has been carried out on issues such as equality and gender has been seen to be tokenistic or nominal, there remains an argument for child impact statements. Even if tokenistic to begin with, the process of drawing up such statements requires policy-makers to consider children as a separate group, increases their visibility and, if supported by Government, sends a signal that children's needs are important in decision-making.

Children's rights are often assumed to be embedded within other policy impact assessment mechanisms. Therefore, their interests are seen to be served, for example, by environmental, family, social or health impact assessment. While children are clearly affected by policies on families or women, within these, children's issues tend to get eclipsed by those of adults (Hodgkin, 1999).

In addition, policies that serve one section of the community well need not also benefit children. For example, policies that promote gender equality in the workplace and women's participation in the labour force may not serve the best interests of the child if fewer mothers breastfeed or if there is a lack of good quality, affordable and accessible childcare. In Ireland in particular, many of the policy-proofing mechanisms are relatively new and still at a very early stage of development. These mechanisms need to be further developed and more widely practised before one could integrate children fully within their remit. As such, the needs of children need to be addressed separately through a policy impact assessment process that is specifically aimed at this target group.

In considering child impact statements, as well as other policy-proofing and impact assessment mechanisms, the issue of *mainstreaming* arises. This has become a commonly used term in respect of many different target groups in Ireland and in the EU. Mainstreaming means that the consideration of various target groups and issues are a routine part of all policies and decision-making at all levels of design and implementation. For example, gender mainstreaming is defined by Crawley and O'Meara (2002) as 'the incorporation of gender considerations into all policies, programmes, practices and decision-making so that at every stage of development and implementation, an analysis is made of the effects on women and men, and appropriate actions taken'.

Like policy-proofing on other issues such as gender and equality, child impact statements, assessment or analysis are tools to achieve mainstreaming. By making children highly visible in the policy-making process and making policy-makers and decision-takers more aware of the rights and needs of children, these tools should, eventually, make themselves obsolete as children become a routine consideration in the policy process. However, mainstreaming for most target groups is a considerable way off.

## Some key concepts

The review of literature on child impact statements and associated policy impact assessment has clearly illustrated the relatively loose way in which language in relation to these issues is used. The terms 'impact statement', 'impact assessment', 'impact analysis', 'impact report' and 'impact appraisal' appear to be used interchangeably. For example, in England the National Children's Bureau commissioned experts to undertake 23 child impact statements in 1997/98 (Hodgkin, 1999). The following year, the same exercise under the same experimental project refers not only to child impact statements, but also to child impact analysis and child impact assessment, using these terms in a way that implies they are coterminous or having the same meaning (Payne, 2000). While clarifying technical terminology is not a key concern of this study, some clarity in relation to these terms is necessary in the development of a system of child impact statements.

The UN Committee on the Rights of the Child uses the term 'child impact assessment' and this is probably the most commonly used of all the relevant terms (see [www.unicef.org/crc/br027.htm](http://www.unicef.org/crc/br027.htm)). The Committee describes rather than defines this term as:

A child impact assessment involves examining existing and proposed policies, legislation and changes in administrative services to determine their impact on children and whether they effectively protect and implement the rights expressed in the Convention on the Rights of the Child. Policies not directly or obviously concerned with children, such as those on immigration, transportation, social security, taxes and environmental issues, should also be assessed for their impact on children.

The most rigorous definitions of the various terms used and their interrelationship come from Sweden (Sylwander, 2001), as follows:

**Impact:** This is the overall direct or indirect effects of a policy, strategy, programme, legislation, project or proposal on a child, on a specific group of children or on children in general.

**Impact assessment:** A combination of procedures, methods and tools by which a policy, strategy, programme, legislation, project or proposal may be judged as to its potential effects on a child/children and the distribution of these effects on a child/children.

**Impact appraisals:** This is a systematic assessment of the impact of a policy, strategy, programme, legislation, project or proposal, by a number of experts, decision-makers and representatives of those potentially affected by the proposal.

**Impact analysis:** This involves multi-disciplinary expertise in an in-depth examination of a policy, strategy, programme, legislation or proposal, its potential impact on a child/children and of the opportunities for adjusting the proposal to ensure a more positive impact.

**Impact review:** This is applied to very broad policies and aims to create a convincing summary estimation of the most significant impacts of a proposal without necessarily examining the various individual parts of the proposal.

**Impact evaluation:** This involves an appraisal of the short-term outcomes and longer-term expected and unexpected impacts of a policy on children. It is conducted some time after a policy, programme, strategy or law has been in operation and should be forward looking in its recommendations.

Although distinguishable from each other, the difference between these various procedures lies primarily in the technical detail of the methodologies to be used, the depth of the examination, the people to be involved and the timing of the exercise. With the exception of impact evaluation, all of the prior research exercises can take place at the point of policy formulation. From these definitions, it would appear that the most in-depth examination is at the level of impact analysis, with the primary differences between this and impact appraisal being the range of experts involved, the depth of the examination, the exploration of policy options and the generation of new data where necessary.

Few of the Irish and international examples of the examination of policy proposals for their effects on various sectors and target groups distinguish clearly between these various terms. It is worth noting that the term 'impact statement' is, in fact, rarely used and that 'impact assessment' is much more common. The clearest use of the term 'impact statement' arises in the area of environmental impact assessment (EIA). Here, an environmental impact statement is prepared by the developer, or their commissioned agent, and attached to an application regarding the use of land. A more rigorous EIA is then carried out by the relevant department in conjunction with relevant agencies on the basis of this statement.

In the remainder of this report, the term used by those responsible for or commenting on the various examination procedures is used. Therefore, the reader will find the terms 'poverty-proofing', 'gender impact analysis', 'health impact assessment' and others since these are the terms denoted by the people involved in these procedures.

With regard to children, the term 'child impact statement' is used here unless another term is specifically denoted by those writing or reporting on the procedures for examining policy for its impact on children. This is for two reasons. First, the term child impact statement is used in the National Children's Strategy and therefore has already been accepted as a policy term. Second, the term child impact statement is frequently used interchangeably with the term 'child impact assessment' and this term in itself has some specific advantages. The primary difference between assessments and statements appears to lie in the timing of the examination, with assessments being carried out at various stages of the policy development and implementation process, while statements are undertaken at the decision-making stage (Boyce, 2004). However, in most cases it is not clear when the various instruments are applied.

Therefore the term 'child impact statement', used in a broadly coterminous way with child impact assessment, allows for greater interaction with the policy process. This is particularly important in the context of the National Children's Strategy statement – that 'the value of child impact statements is derived from the *early* identification of the potential impact of policies on children and their families' (Government of Ireland, 2000; author's emphasis).

In addition, taking child impact statements to mean broadly the same as child impact assessment for discussion of a range of methodologies, methods and procedures encompasses many of the specific areas identified above. Therefore, using the Swedish model, child impact statements are,



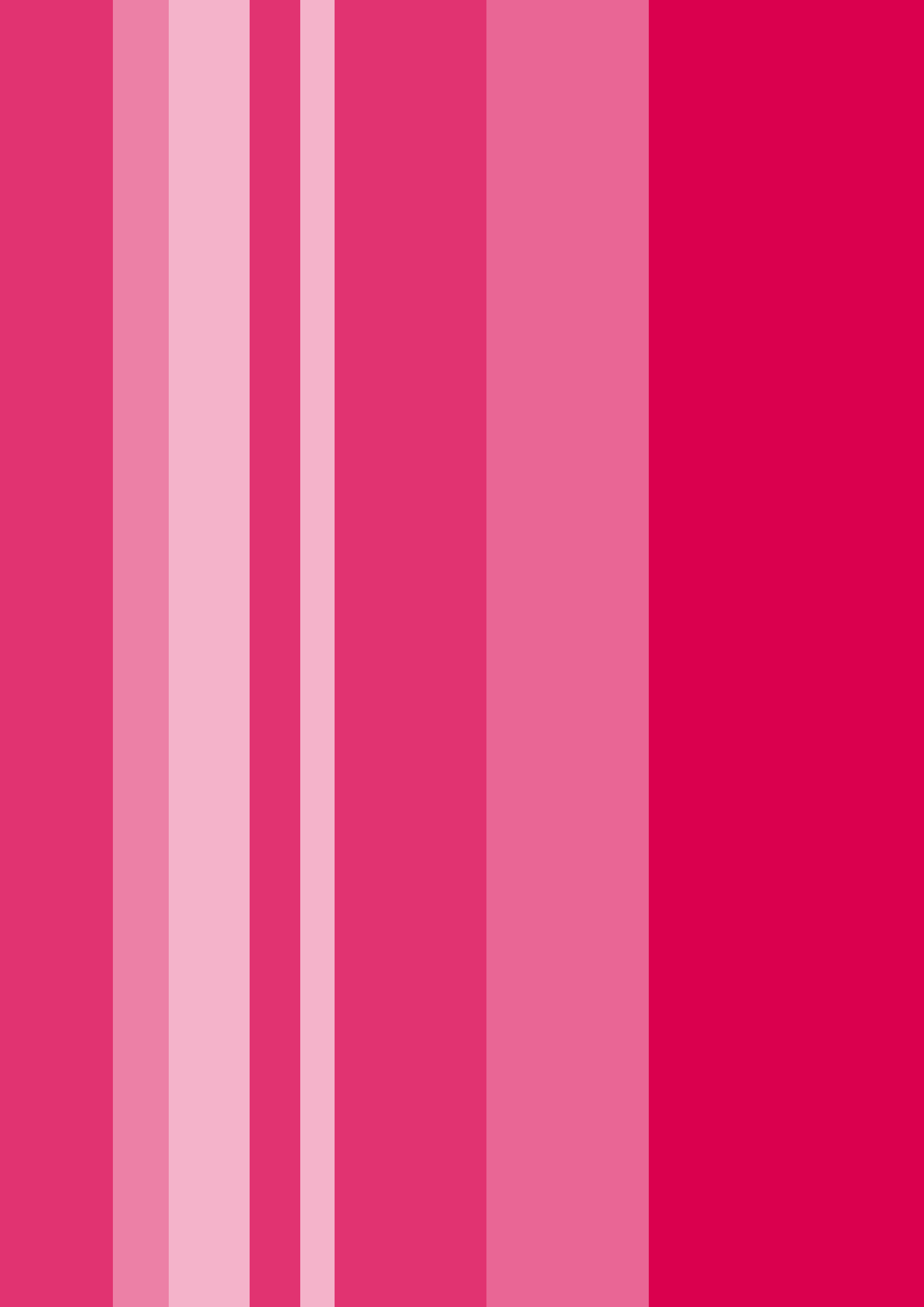
according to Sylwander (2001): ‘... a tool for translating the Convention and its Article 3, on giving priority to the child’s best interests, into practice in a concrete, structured manner. Impact Assessments [Statements] contain various parts such as appraisals, analysis, reviews and evaluations.’

This does not, however, negate the importance of language and terminology. If policy-makers are to be required to consider the impact of their policy proposals on children, then clarity with regard to the terms used, proposed methods, depth of analysis and the timing of these examinations must be provided.

## Summary

While policy impact assessment has increased, it is only recently that the possibility has arisen of extending this process to consider the impact of policies on children. Children are disenfranchised citizens who rely on others to promote and protect their interests. However, they are also politically invisible and their needs are often transcended by others who have greater political power. Therefore children require explicit consideration in the formulation and implementation of policy.

The introduction and implementation of an instrument to safeguard children’s interests is fraught with difficulties, not least of which is the lack of clarity in the terms used to describe such an instrument. In the remainder of this report, the term ‘child impact statement’ is used to denote the process of examining policy for its impact on children, except where other terms are explicitly used by those responsible for developing or reporting on particular activities in their jurisdiction.



# **3 INTERNATIONAL POLICY CONTEXT: POLICY IMPACT ASSESSMENT AND CHILDREN'S POLICY**

The development of child impact statements can be informed by international developments in two key areas: impact assessment and children's policy. In many instances, these two areas have developed in parallel, but in a small number of cases they have been closely linked. This chapter outlines the international development of impact analysis as a policy-making tool. It goes on to briefly describe the international development of children's policy. These two aspects of international development, taken together, provide the background and context for child impact statements and assessment. Particular attention is paid here to developments in the European Union since this is the international policy arena that most influences Ireland's policy developments.

## European Commission: Integrated Impact Assessment

Impact assessment has been used in the EU for a number of decades to assess policy, legislation, strategies, programmes and projects, both *ex ante* (i.e. assessment undertaken at the design or preparation stage) and *post ante* (i.e. assessment undertaken during implementation or at the review stage). In Ireland, the concept of policy impact analysis arose primarily within the context of the EU. In the early 1980s, increased awareness at EU level of the need for transparency and accountability in policy-making, together with the move towards an increasingly active citizenship and a growing recognition of the need to consider the affect of policy on particularly vulnerable groups, provided the impetus for increased stringency in policy evaluation. This extended not only to the eventual end-point impacts and outcomes of policy decisions and investments, but also to the identification of the potential impacts, both positive and negative, of policy and to the use of monitoring and formative evaluation as a means of ongoing checks on the efficiency and effectiveness of policy in meeting its stated objectives and impact on vulnerable groups.

Impact assessment has received renewed attention in the EU in recent years. Following on from commitments made at the Gothenburg and Laeken European Councils, and in the European Commission's 2001 White Paper on *European Governance*, the Commission sought to introduce a new impact assessment method that would integrate all other sectoral assessments. This method is to be applied to all major initiatives as presented in the Commission's annual Strategy and Work Programme, which includes regulatory proposals (e.g. directives, regulations and decisions) and non-regulatory proposals that are deemed to have economic, social or environmental impact. While closely linked to and supportive of the Commission's evaluation culture, policy impact assessment is seen as being substantially different from *ex-ante* evaluation. The main distinguishing factor lies in the primarily financial 'value-for-money' focus of *ex-ante* evaluation and the policy focus of impact assessment.

In 2002 the European Commission issued a Communication on *Impact Assessment*. This defines impact assessment as 'the process of systematic analysis of the likely impacts of intervention by public authorities. It is as such an integral part of the process of designing policy proposals and making decision-makers and the public aware of the likely impacts' (European Commission, 2002a).

In adopting a pragmatic approach to impact assessment, the European Commission (2002b) later defined impact assessment as (emphasis as in original):

The systematic analysis of:

1. the **problem** addressed by the proposal concerned;
2. the **objective** it pursues;
3. the **alternative options** available to reach the objective;
4. the **likely impacts**; and
5. respective **advantages and disadvantages**, including synergies and trade-offs.

The method of integrated impact assessment is based on a common basic set of questions, minimum analytical standards and a common reporting format, but with sufficient flexibility to accommodate the different Commission policies and the specific circumstances of individual policy areas. It involves a two-step process: preliminary impact assessment and extended impact assessment. The Commission, in recognising the potential complexity of and capacity for impact

assessment to become unmanageable, produced guidelines and a handbook to help guide those responsible for coordinating and carrying out such assessments (European Commission, 2002b and 2002c). A separate template for preliminary and extended impact assessments and accompanying instructions form part of the guidelines (*see Appendix 1*).

All proposals submitted in the context of the Commission's annual Strategy are subject to preliminary impact assessment. This assessment briefly addresses some key questions, such as the problem the proposal addresses, objectives of the proposal, consultation exercises undertaken or planned, and a summary of the positive and negative anticipated impacts of the proposal. The emphasis in this stage is on clarity and brevity, with the Commission advising policy-makers to restrict the preliminary impact assessment to no more than two pages. Preliminary impact assessments are the responsibility of the relevant Directorate-General (DG) and are carried out by the responsible policy unit.

One of the principal functions of the preliminary impact assessment is to act as a filtering mechanism. On foot of these brief statements, the Commission decides which proposals should be subject to an extended impact assessment based on two criteria:

1. whether or not each proposal will result in substantial economic, social and/or environmental impacts on one or more sectors, and whether or not the proposal will have a significant impact on major interest parties; and/or
2. whether the proposal represents major policy reform in one or more sectors.

Again, the relevant DG is responsible for extended impact assessment. However, the Commission distinguishes between different levels of extended impact assessment, the responsibility for which varies. In the relatively few cases of major cross-cutting proposals, the Commission recommends that the extended impact assessment is coordinated by an inter-departmental group, established and chaired by the lead DG. In the case of other major proposals, which are of less significance or have less of a cross-cutting effect, the extended impact assessment is conducted by the relevant DG. In either case, and in the case of preliminary impact assessment, the Commission is clear that all DGs must be circulated with the relevant information and documentation at as early a stage as possible.

The Commission has adopted what appears to be a relatively practical approach to introduction of integrated impact assessment. The impact assessment procedures, announced and developed in 2002, were introduced on a phased basis, to be fully effective in 2004, and are inserted at specific points in the Commission's planning of the Strategy and Work Programme. Decisions in relation to any assessment are to be guided by the principle of proportionality, i.e. the extent and depth of the assessment is to be informed by the potential impact of the proposal in question. This is decided initially by the relevant DG in performing the preliminary impact assessment. In addition, the approach and templates outlined by the Commission in its 2002 guidelines and handbook are clearly described as illustrative. This allows for adaptations to the proposed approach – although potentially relatively small ones – in relation to different policies.

The Commission also allows for the principle of *force majeure*. Where urgent proposals are required (for example, in relation to emergencies), these are exempt from normal impact assessment procedures. However, it is intended that this is very much the exception to the rule and exemptions are considered on a case-by-case basis.

The Commission is positive about integrated impact assessment. Its advantages are seen to include better policy-making, the need for fewer regulatory instruments and contributing to the modernisation and reform of the EU. It is distinct from lobbying in that it presents not one but a number of policy options, the potential consequences of which are derived and presented in order to facilitate better policy-making.

While the Commission is clear that integrated impact assessment will lead to a greater coherence in policy design, and to greater transparency, communication and information on the Commission's policies, it is equally clear on the ultimate role and place of impact assessment: 'Impact assessment is an aid to political decision-making, not a substitute for political judgement.'

Impact assessment should therefore inform political judgement, but not replace the many complex and interconnected factors that influence policy and political decision-making. Political decisions are informed by complex systems of personal values, political responsibilities, competing priorities and events and pressures that are both internal and external to the EU. Therefore, while good impact assessment is a key part of the policy design process, the ultimate responsibility and final decisions rest with the relevant ministers.

Integrated impact assessment was introduced in the Commission on a phased basis in 2003. Of the 580 proposals listed in the Commission's Work Programme, only 43 are identified as requiring extended impact assessment; only 21 of these had been completed by April 2004. Evaluation of these assessments by the Institute for European Environmental Policy highlights many of the key weaknesses in the actual implementation of the Commission's 2002 guidelines and handbook and in the approach adopted (Wilkinson *et al*, 2004). These findings have relevance to impact assessment broadly and have resonance in Ireland's experience on various impact assessment and policy-proofing exercises (*see Chapter 4*). The key weaknesses can be summarised as follows:

- The degree to which assessments adhered to the Commission's Guidelines varied considerably. This is because the guidelines are unclear as to what aspects the Commission considers mandatory and what are selective.
- Most assessments treated the exercise as a one-off event rather than an ongoing process that should be built into the various stages of policy development. This reflects the tone of the Guidelines.
- The quality of the assessments varied enormously. This is attributed to the lack of a formal mechanism for quality control, limited human resources to carry out the assessments, limited support, advice and training for those responsible for and executing the assessments, and the lack of a forum where 'learning-by-doing' could be attained.
- The key informants (i.e. the Member States) were rarely involved in the assessments. Given that they hold the relevant data on the likely trans-European impact, this omission is considerable.
- Inter-DG consultation, as well as consultation with key stakeholders, varied considerably, but was in general lacking. Where consultations did occur, industrial interests, which generally have greater resources, were seen to have more influence than social or environmental ones. In addition, few extended impact assessments are published on DG websites, thereby creating an unnecessary sense of secrecy.
- Economic impacts were given greater consideration and prominence than social and environmental ones.
- Data limitations restricted the level of analysis in a number of assessments and the need for a more permanent research infrastructure to support impact assessment was evident.
- There is little attention paid to *ex-post* monitoring and evaluation procedures.

In 2004, the Commission issued a Staff Working Paper called *Impact Assessment: Next Steps, In support of competitiveness and sustainable development* (European Commission, 2004). In addition to adding competitiveness to the three elements of sustainable development already considered under integrated impact assessment, this document addresses many of the key weaknesses detailed above and proposes refinements to the overall approach, drawing on the first two years of experience in implementing the original framework and method.

In many instances, the revisions are minor and are related to strengthening various aspects of the framework. For example, reflecting the inclusion of competitiveness, the list of economic impacts related to productivity and competitiveness has been refocused. Administrative requirements for carrying out and following through on the recommendations of impact assessments are to form part of the initial screening process. Transparency is to be further enhanced by providing easy access to impact assessment materials through one access point.

There are, however, a small number of changes that are of particular note. The first of these relates to the simplification of the process. Impact assessments are to be carried out on all major policy-defining documents, as well as the Commission's legislative proposals and Work Programme. However, the 2004 Staff Working Paper states that the preliminary impact assessments are to be

replaced by Roadmaps. It is difficult to determine the differences between these two screening tools, Both are based on the principle of proportional analysis, the importance of which is reiterated in the Working Paper; both are to be carried out at the earliest stage possible, are to inform other services and the public about the proposal and are to provide the basis for assessing the need for and depth of further analysis, if any. In addition, both address the same issues, such as the objectives of the proposal, the likely negative and positive impacts and proposed consultations with other stakeholders. A further Communication from the Commission is expected on the proposed Roadmaps in the near future and this may throw some light on the advantages of the new system over the old.

## World Bank: Poverty and Social Impact Assessment

The World Bank has promoted poverty and social impact assessment (PSIA) in the context of projects and programmes in developing nations for a number of years. However, in the context of the approach outlined in the Bank's *Poverty Reduction Strategy Paper* and of the *Millennium Development Goals*, an increased need for systematic analysis of the poverty and social implications of reforms is deemed necessary.

PSIA is defined by the World Bank (2004) as: 'Poverty and social impact analysis (PSIA) refers to analysis of the distributional impact of policy reforms on the well-being or welfare of different stakeholder groups, with a particular focus on the poor and vulnerable. PSIA also addresses sustainability and the risks to policy reform and helps to monitor poverty and social outcomes and impacts of policy changes.'

The World Bank has produced a number of key documents on this method of impact assessment, including detailed guidelines for its staff and country representatives involved in the work (World Bank Poverty Reduction Group and Social Development Department, 2003). These guidelines provide the key elements of good practice according to the World Bank (*see Table 1*). While there has been no obvious attempt to apply these in developed nations, they provide a useful 'stepped' model on which to draw.

**Table 1: World Bank, Key elements of good practice in poverty and social impact assessment (PSIA)**

<b>Element 1</b>	Asking the right questions
<b>Element 2</b>	Identifying stakeholders
<b>Element 3</b>	Understanding transmission channels (principally employment, prices, access to goods and services, assets, and transfers and taxes).
<b>Element 4</b>	Assessing institutions (as agents of transmission, as implementers of policy change, or as the objects of policy reform)
<b>Element 5</b>	Gathering data and information
<b>Element 6</b>	Analysing impacts
<b>Element 7</b>	Contemplating enhancement and compensation measures
<b>Element 8</b>	Assessing risks (of the policy or reform not being implemented as anticipated)
<b>Element 9</b>	Monitoring and evaluating impacts
<b>Element 10</b>	Fostering policy debate and feeding back into policy choice

In addition to identifying key elements of good practice, the World Bank guidelines are also useful in highlighting the wide range of impact analysis tools that may be used to assess the impact of policy and provision effectively. These methods are linked to the various elements of the PSIA and serve to highlight the potentially complex nature of thorough impact assessment. The methods identified include stakeholder analysis, institutional analysis, social impact analysis, participatory

poverty assessment, *ex-ante* behavioural marginal evaluation of policy reforms, poverty analysis macroeconomic simulator (PAMS), public expenditure tracking survey (PETS) and quantitative service delivery survey (QSDS).

The summary matrix for the World Bank PSIA is shown in Appendix 2. Although certain components of this are not necessarily relevant to child impact statements in Ireland, it does provide a model from which lessons can be learned. For example, recognising children as the key stakeholders that will be affected by new or reformed policy on children is axiomatic in child impact assessment. However, the World Bank's matrix and its elements of good practice draw attention to other groups of stakeholders, particularly those that have most influence and control over the design and delivery of policy reform.

## OECD: Regulatory Impact Assessment

Internationally, the OECD has also contributed significantly to the debate on impact assessment, particularly in the area of regulatory impact assessment (RIA). In recent years, greater attention has been focused on this area as the needs of the then acceding countries – now the 10 new EU Member States since May 2004 – were highlighted. Many of these countries attempted to bring their regulatory frameworks and legislation into line with EU practice under pressurised circumstances and this often resulted in sub-optimal laws and regulations (Bonwitt, 2001).

In urging the governments of the acceding countries to undertake RIA, the OECD draws on its previous report, *Regulatory Impact Analysis: Best Practices in OECD Countries* (OECD, 1997). This document identifies best practices which are necessary for effective RIA. The OECD is clear that these practices are interdependent, not a list from which some can be selected and others omitted. In addition, these best practices can only lead to effective RIA if the RIA process is embedded within the broader policy-making system, not simply an add-on component at the last stages of the process.

The best practices recommended by the OECD based on its analysis of country practice are as follows (OECD, 1997):

1. *Maximise political commitment.* Political commitment is considered essential at the highest possible level so the RIA remains robust in the face of competing political priorities and pressures. Accountability for compliance with RIA procedures should rest with the relevant Ministers.
2. *Responsibilities must be clearly and carefully allocated.* This applies to Government, Parliament and the Civil Service. In the administration, the OECD recommends that while regulators should be responsible for conducting RIA, an oversight body should be responsible for consistency, quality control and the delivery of training.
3. *Training is essential* to ensure regulators have the necessary technical skills to carry out RIA, as well as a clear understanding of the role, importance and value of RIA.
4. *Analytical methods* should allow for a broad view to be taken and the cost/benefit principle should be adopted for all regulations. The realities of data limitations must be clearly recognised, as must the need to use and integrate both quantitative and qualitative information. Mandatory guidelines on analytical requirements should be issued to ensure consistency.
5. *Data collection strategies* must be developed in order to ensure the quality data necessary to achieve a quality assessment. Appropriate data strategies need to be developed.
6. *RIA effort must be targeted.* Regulations assessed must have important impacts and be applied to situations where the results of the RIA have the possibility of making a major difference to the outcome. This means 'full' RIA for major regulations, a moderated effort (but with the same analytical basis) for a large 'mid-range' and exemption of machinery/insignificant regulation.
7. *Integration with the policy process.* RIA should start sooner rather than later and drive policy choices as opposed to being used to apologise for or justify decisions already made.
8. *Communicate the results.* The results of the RIA must be provided to all those with a role in the policy-making process in order to facilitate them in their work. This includes those both inside and outside the bureaucracy. The transparency that this supports is the key in ensuring the integrity of the system.



9. *Apply RIA to existing as well as new regulations.* RIA should be used when an existing regulation is reviewed and revised since it will lead to better outcomes.

These best practices are reflected in the work of the European Commission and others in relation to various forms of impact assessment. For example, the Commission emphasises the need for transparency, sound and robust methodologies, quality data and high-level capacity and skills among those carrying out and using impact assessment.

## Children's policy in an international context

Learning from developments in the area of impact assessment is valuable in considering the development and implementation of child impact statements in Ireland. The other area of importance is, of course, policy in respect of children. In this context, the most important document is the United Nations Convention on the Rights of the Child. In recognising the importance of developments at the EU level in shaping Irish policy, however, the place given to children in EU policy and the potential development of an integrated EU policy on children is also of importance.

### United Nations Convention on the Rights of the Child

The most significant international document in the area of children is undoubtedly the United Nations Convention on the Rights of the Child (UNCRC). This Convention came into being in 1989 and was signed by Ireland in 1990. It was ratified by Ireland in January 1992 and came into force in October of that year.

The UNCRC is a comprehensive document containing 58 Articles that cover the civil, economic, social and cultural rights of the child, as well as the protection of children from harm. It is based on the recognition of the rights of the child separate from those of adults, but interlinked with those of their parents. It also crucially recognises that the rights are themselves interlinked and failure to honour and protect rights in any one area will affect the rights in other areas.

The UNCRC has shaped, to a greater or lesser extent, child policy in the 191 States that have ratified it. While the individual Articles of the Convention provide a detailed framework against which to assess policy, four Articles are often cited as reflective of the broader core principles of the Convention. These are:

1. *Article 2*, which states that all rights guaranteed by the Convention should be available to all children without discrimination.
2. *Article 3*, which states that the best interests of the child shall be a primary consideration in all actions concerning children, including those of welfare institutions, courts of law and legislative and administrative bodies.
3. *Article 6*, which recognises and protects the right to life, survival and development of the child.
4. *Article 12*, which states that children capable of expressing an opinion should be facilitated to do so, either directly or through a representative or other appropriate body, in matters that affect them.

The United Nations Committee on the Rights of the Child (2003) is very clear about the need for child impact assessment and evaluation, with particular reference to the best interests of the child:

Ensuring that the best interests of the child are a primary consideration in all actions concerning children (Article 3(1)), and that all the provisions of the Convention are respected in legislation and policy development and delivery at all levels of government demands a continuous process of child impact assessment (predicting the impact of any proposed law, policy or budgetary allocation which affects children and the enjoyment of their rights) and child impact evaluation (evaluating the actual impact of implementation). This process needs to be built into government at all levels and as early as possible in the development of policy.

In measuring the impact of policy or legislation on children, the UNCRC is often one of the main yardsticks used. In particular, the four key Articles listed above provide the basis for assessment.

Impact statements or assessments are sometimes embedded within strategies for the implementation of the Convention, as in Sweden, or the key principles of the Convention are included in child impact statements, as in Flanders (see Chapter 5). It is worth noting here, however, that little impact assessment has been carried out on the Convention itself or under its banner.

### **Children's policy in the European Union**

Children have traditionally received little attention within the policy of the European Union. However, with the adoption of the UNCRC in 1989, the rights and specific needs of children became the focus of increased attention. Over the 1990s, a small number of projects have been undertaken at EU level and have been influential in shaping the approach to children. Two of these are particularly relevant: the Council of Europe's *Childhood Policies Project* and the development of a *European Strategy for Children*.

Arising from discussions among the Conference for European Ministers for Family Affairs, the European Council's *Childhood Policies Project* (in which Ireland did not participate) ran from 1992 to 1995. This project had two distinct themes – children and families, and children and society – and was primarily a research project. Under these themes, three research projects were also funded, addressing the themes of effective participation of children in family and societal life; the effect of day care on the quality of children's lives; and working with children in residential care. The *Childhood Policies Project* was underpinned by the guiding principles of the UNCRC. In particular, the principles of participation, prevention and protection were central to the project (Hayes, 2002). Children were active participants in the project and adults were encouraged to view them not as passive recipients or targets of policy, but as active citizens with distinct rights.

A number of recommendations emerged from the *Childhood Policies Project*. Key among these was the recognition of children as a distinct group relevant to policy. This, it was anticipated, would serve to increase and improve policy-makers' sensitivity towards children's rights and issues, and raise the policy profile of children. To help achieve this, the European Council was invited, with UNICEF, to develop a *European Strategy for Children* (Hayes, 2002).

In its Recommendation 1286, the Parliamentary Assembly of the Council of Europe (1996) sets out the Council's approach and expectations for the *European Strategy for Children*. One of the key sections of this document outlines the measures that EU Member States should undertake to make children's rights a political priority. Of particular interest in the context of this report is the following recommendation by the Council:

... ensuring, especially at policy-making level, that the interests and needs of children are always duly considered and taken into account, for example, by introducing practices such as the 'child impact statement' which offers a way of determining the probable impact on children of any proposed legislative, regulatory or other measures in whatever field, for example, in the field of legal aid ...

Although progress has been slow in relation to many of the activities promoted in the *European Strategy for Children*, including the introduction of child impact statements, progress under one particular recommendation is noteworthy. This is the recommendation on the appointment of a commissioner or ombudsman for children. This proposal has been further promoted by the UN and acted upon by a number of Member States, including Ireland (where an Ombudsman for Children was appointed in 2003). One of the key functions of the Ombudsman, which both preceded and followed on from this recommendation, was to 'assess the impact on children of different policy options' (Council of Europe, 2000). Despite this, there is relatively little evidence of this being done in any systematic way in the majority of Member States.

Euronet, the European Children's Network, produced possibly the most comprehensive report on the development of a European Children's Strategy with the support of the European Commission (Ruxton, 1999). This document – entitled *A Children's Policy for 21st-century Europe: First Steps* – draws attention to a number of weaknesses in the current position and policy for children in the EU, many of them reflected at national level. These are now widely known and include:

- the invisibility of children's interests and low level of political priority attached to children's issues;
- lack of overall policy direction and coordination;
- supremacy of economic interest;
- limited EU legal competence in the area of children;
- limited data on children at EU and Member State level;
- lack of structures and opportunities for children's active participation as citizens of Europe.

In focusing on moving forward towards a European-wide strategy for children, practical recommendations are made by Ruxton (1999) under four main headings. While all of the recommendations are aimed at improving children's lives, those specifically of relevance to child impact assessment are highlighted here:

1. *Developing a framework for children's policy at EU level*, including providing a clear legal basis in the EU Treaties and incorporating respect for the principles and standards of the UNCRC into EU law. Of particular relevance here is the recommendation that all EU legislation should be fully compatible with the UNCRC, which would thereby provide at least one potential framework for impact assessment.
2. *Effective coordination of EU children's policy*, including strengthening EU structures affecting children and developing relationships and liaisons between children's NGOs and EU institutions. The former of these broad recommendations includes a further suggestion that a dedicated EU Children's Unit should be established, one of the functions of which would be to work to ensure that all Commission DGs develop child impact assessments.
3. *Extending citizenship and participation for children*. This is broadly concerned with children's participation in decision-making and, of particular relevance, recommends that the EU institutions explore ways in which the interests of children are taken into account in the decision-making process.
4. *Improving information on children and monitoring their circumstances*. All four recommendations under this heading have relevance for child impact assessment: gathering systematic data and information on children; establishing an independent body to monitor the rights of children in the EU; increasing resources for the children's aspects of the EU budgets; and, most specifically, assessing the impact of macro-economic policy-making on children. On the latter recommendation, Buxton states: 'At present decisions on macro-economic policy at EU and Member State level are taken with limited assessment of their impact on children. It is important to consider how EU institutions and Member States can "child-proof" all new economic policies to increase awareness of the impact of such policies on children.'

Despite ongoing work by the European Commission in the area of children's rights and child policy, the principal recommendations of the Euronet 1999 report have not been followed up and there has been little further progress on the development of a comprehensive and coordinated European strategy for children. Notwithstanding the good intentions of the European Council and the recommendations of Euronet, there is also little evidence of impact assessment that specifically addresses the needs and rights of children.

However, national policies to address child poverty are a key consideration of the European Commission under the National Action Plans against Poverty and Social Exclusion (NAPs/incl). The Lisbon European Council in March 2000 set out the EU's objectives in the area of social inclusion and identified children as a particularly vulnerable group, which experiences high rates of poverty and deprivation in the EU. The subsequent Nice European Council in December 2000 set out the framework for the NAPs/incl. These are completed every two years by the Member States and condensed into one joint EU report, issued by the European Commission.

Although clearly not a form of child impact statements, the NAPs/incl process has the potential to highlight the specific circumstances of vulnerable children and the policy responses to these by the Member States, thereby contributing significantly to the debate on child impact assessment. However, to date the representation and inclusion of children's rights and issues in the NAPs/incl has been less than satisfactory. A child audit of the first round of NAPs/incl, conducted by Ruxton and Bennett (2002), revealed a number of key weaknesses, including:

- an emphasis on labour market policies as the principal strategy to combat child poverty, with an absence of consideration of the impact of such policies on children;
- a general tendency to see children as indirect and future beneficiaries of policy interventions and strategies, as opposed to addressing their 'here-and-now' circumstances and needs;
- a general absence of a child perspective in relation to the experience of poverty and social exclusion, and policies and strategies to combat this;
- a lack of clarity in relation to whether children as a whole represent a vulnerable group or whether only specific groups of children are to be targeted;
- the tendency to locate children within the family context rather than as a group in their own right;
- the absence of a children's rights perspective in any of the National Action Plans;
- the absence of child poverty targets in the majority of Member States and no call from the EU to establish these;
- in general, poor quality data on children's poverty, particularly in relation to other children and their participation and interaction with their peers.

While clearly recognising that the NAPs/incl process provides an exciting opportunity for furthering children's rights in the EU, it is also clear that these weaknesses must be addressed if children's rights and needs are to be prioritised and addressed.

## Summary

Child impact statements in Ireland should not occur in a vacuum removed from international practice in two relevant areas – impact assessment and child policy. In particular, developments in these areas in the EU are necessarily relevant since they increasingly inform policy and practice at national level. In addition, relevant international agreements, and in particular the UNCRC, shape not only the policy of individual Member States, but also that of EU institutions and therefore have the capacity to have a double impact. Despite this, much remains to be done in the international arena with regard to impact assessment and child policy, as well as the marrying of these two into child impact statements.

# **4 IMPACT STATEMENTS, ASSESSMENTS AND POLICY-PROOFING IN IRELAND**

Although policy impact assessment and policy-proofing have been in use in EU Member States and other countries for a number of decades, their practical application in Ireland is relatively recent. Nonetheless, Ireland now has a range of impact assessment or proofing procedures attaching to various policy areas and target groups. This chapter provides an overview of the principal approaches adopted, their key components and some methodological and implementation issues.

## Gender-proofing

Gender-proofing has developed in Ireland on foot of international agreements and treaties. The United Nations Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) and the Beijing Declaration and Platform for Action have both been signed by the Irish government. At EU level, the Commission issued a Communication in 1996 on gender equality and later issued guidelines on gender impact assessment. The approach adopted was one of seeking to mainstream gender equality into all Commission policies and programmes. This applied to the Structural Funds in the period from 1994-2000, but the emphasis was largely on securing equal participation with little understanding of the impact of the funded programmes on gender equality (Mullally and Smith, 2000). Nonetheless, gender mainstreaming became a requirement under the Structural Funds 2000-2006.

In addition, a number of Articles in the Amsterdam Treaty, accepted by referendum by the Irish people in 1998, make explicit reference to gender equality. These include Article 2, which refers to equality between men and women; Article 3, which provides the framework to eliminate inequalities and to promote equality between women and men; and Article 13, which provides a broad commitment to combating discrimination on a number of grounds, including gender (Galligan, 2000).

All of these international developments have had a keen influence on Ireland's gender-proofing and mainstreaming practices. Since 1993, all Memoranda to Government in Ireland must include an assessment of the impact of the proposed policy on women. However, there is relatively little known about these impact assessments or their effectiveness in influencing policy decisions. No guidelines have been developed to assist civil servants in drawing up these assessments nor is consultation with affected groups required (Mullally and Smith, 2000).

Gender equality is an area in which terms have been used interchangeably, but which are now becoming more defined. According to Galligan (2000):

- *Gender-proofing* has been defined in Ireland as 'the means by which it is ensured that all policies and practices within organisations have equally beneficial effects on men and women'.
- *Gender mainstreaming* has been defined as 'the incorporation of gender considerations into all policies, programmes and decision-making so that at every stage of development and implementation, an analysis is made of the effects on women and men, and appropriate action taken'.
- *Gender impact assessment* is defined as 'one of the tools used in gender-proofing. It involves an assessment of policies and practices to see whether they will affect women and men differently, with a view to adapting these policies/practices to make sure that any discriminatory effects are neutralised'.

In this scheme, then, gender impact assessment is a tool for gender-proofing, which, if successful in the long term, leads to mainstreaming as considerations of gender are built into the policy-making process. Gender-proofing is therefore one part of the methodology that ensures gender mainstreaming.

In 1999, the Department of Justice, Equality and Law Reform commissioned research on the development of guidelines for gender-proofing the Structural Funds. Mullally (1999) presented the following six-step model:

1. *Define the desired outcomes:* Gender equality outcomes, in terms of opportunity, participation and outcome, should be part of the objectives of the proposal.

2. *Assess the gender relevance:* Will this proposal have a different impact on women or specific groups of women than on men? What differences exist in the current situation and what change will the proposal effect?
3. *Develop options:* In developing policy options, questions should be raised about the effect of the proposal on gender equality, possible alternative or remedial actions, the data on which the proposal was developed and data gaps, and methods and scope of consultation.
4. *Make recommendations:* This involves the production of a formal report that should, in cases where the impact of the proposal is expected to be significant, be available both to stakeholders and the public for comment.
5. *Implementation:* This should outline provision for consultation on the implementation of the proposal, capacity building measures and communication channels.
6. *Monitoring and evaluation:* This should outline plans for the evaluation of the proposal from a gender perspective, including the identification of indicators, targets and data sources.

More recently, the emphasis on gender in Ireland has moved to gender-proofing and mainstreaming gender equality in the context of the National Development Plan (NDP). Since the NDP describes how Ireland will spend not only Exchequer funds but also EU Structural Funds, the Government has a commitment to apply the principles of gender equality and to ensure these are upheld in its implementation. Under the NDP, gender-proofing is to be applied to all areas of expenditure with the exception of environmental services, energy and coastal protection, while expenditure on roads is expected to be gender-neutral. Brief and rather broad guidelines issued by the Government were later supplemented by more detailed materials from the NDP Gender Equality Unit of the Department of Justice, Equality and Law Reform (*see* [www.ndpgenderequality.ie](http://www.ndpgenderequality.ie)). Gender Impact Assessment Forms are also available (*sample given in Appendix 3*).

The NDP Gender Equality Unit has produced and commissioned a number of gender-proofing tools and resource materials. These are broadly of two types: resources to help organisations, public bodies and others gender-proof their policies and practices, and resources to help those involved in the delivery of the NDP, including selecting NDP-funded projects, organising and managing the Monitoring and Selection Committees and evaluating the NDP. In addition, the Unit has produced training fact sheets in a large number of policy areas, including transport, housing, arts and culture, crime, peace, urban development, youth services, agriculture and rural development.

With regard to supporting organisations, public bodies and others to undertake gender-proofing, the focus has been on providing clear, concise and user-friendly materials. *The Gender Proofing Handbook* (Crawley and O'Meara, 2002), for example, puts gender-proofing in the wider policy context, explains why it should be undertaken and provides advice in relation to training. In addition, it puts forward a simple gender-proofing template, comprised of five questions:

1. What are the different experiences and roles of men and women which might have an effect on how they benefit from/get involved in (action/provision/...)?
2. What are the implications of the differences (outlined above) for this objective?
3. Given these implications, what do we need to do when pursuing this objective to ensure equality of outcome for men and women?
4. Who will assume responsibility for ensuring these actions are carried out?
5. How will we measure success in this area? (indicators, targets)

The guidelines that accompany this template are general in nature, but provide some sound advice for those embarking on gender-proofing for the first time. For example:

- retain the gender focus of the exercise rather than the action or objective being proofed;
- if the objective or action is too big or broad, break it down into its component parts to make it manageable;
- answer question 1 above as fully and accurately as possible, as this will set the context for the remaining questions;
- keep the process simple and look for straightforward simple solutions where possible; and
- set realistic targets and adopt a phased approach to the implementation of actions.

It is noteworthy that these guidelines and template are also in use in Northern Ireland. Here, they are used to support public bodies in conducting gender impact assessment, which is required under Section 75 of the Northern Ireland Act, 1998 (Crowley and O'Meara, 2004a).

Guidelines on how to incorporate gender equality into the evaluations of the NDP have also been commissioned by the NDP Gender Equality Unit (Polverari and Fitzgerald, 2002). These are very detailed and technical in nature, and are aimed primarily at programme managers and evaluators. These guidelines provide details on background concepts, types of gender evaluation and management tools for managing gender-inclusive evaluations. They also present a 'how to' guide to gender evaluation. The basic model comprises four stages or steps, on which considerable detail is provided:

1. *Gender relevance*: This involves an early verification of the gender relevance of the policy, programme or project in order to decide whether to include gender equality in the evaluation. Both the direct and indirect implications of the policy, programme or project on women and men should be considered across four themes: participation, access, needs addressed and outcomes.
2. *Specific gender relevance*: This is also called *the connections* because this is the stage where the connections between gender and the specific policy context are made. This is a more detailed analysis of the gender relevance identified in Stage 1 and provides the basis for gender-inclusive evaluation.
3. *Evaluation*: This is made up of three sub-stages: (i) an evaluation of the continued relevance of the programme; (ii) evaluation of the management and implementation process; and (iii) evaluation of the gender-related achievements obtained.
4. *Reporting*: Drafting and delivery of the report.

In addition to the technical detail presented in these NDP guidelines, some general points in relation to gender evaluation are also made, gleaned from the experience of other proofing and impact assessment exercises:

1. *Be realistic*: Assess what is possible, recognise the limitations that pre-exist the evaluation (such as lack of data) and take these into account.
2. *Prioritise*: Be clear from the start on the importance or weight to be attached to gender in the evaluation and plan accordingly.
3. *Justify the choices made*: Make sure that choices made both in and arising from the evaluation are explicit, explained and justified.
4. *Be inclusive*: Involve as many stakeholders as possible since they all bring different experiences and insights to the process.
5. *Dialogue*: Do not just be inclusive, also be participative. This contributes to shared understandings of the scope of the evaluation, its aims and its findings. Also, seek expert help where necessary.
6. *Validate and disseminate widely*: Validating and publicly disseminating the evaluation increases the probability of it being acted on and enhances public awareness and understanding of the issue of gender.
7. *Seize the challenge*: The NDP provides the impetus for gender evaluation, but evaluators and practitioners should act on this and make the most of this opportunity to engage with the theme.
8. *Make sure the evaluation does not end with the delivery of the report*: Those in positions of influence should use the opportunity being presented to build up a dialogue on gender equality and work to see evaluations being acted on.

It is worth noting here that the issue of indicators and gender-disaggregated data has been repeatedly highlighted in the context of gender-proofing. Galligan (2000) identified a list of 191 potential indicators to measure gender equality across 12 critical areas. Fitzpatrick Associates (2004) reduced this to 45 indicators. The availability of data to measure progress on these indicators arose as a major concern. In the case of the 191 identified by Galligan, data or proxy data was available for less than half of these. In the case of the Fitzpatrick indicators, data or proxy data is available for 35 of the 45 indicators identified. While this reflects the fact that data availability was a primary concern in the latter work and not in the former, it also indicates the gap in gender-disaggregated data more broadly.



## Poverty-proofing

Poverty-proofing was introduced in Ireland on a pilot basis in government departments in 1998. This procedure was intended to support the implementation and achievement of the National Anti-Poverty Strategy (NAPS), which was introduced in the previous year. Poverty-proofing is currently being extended to local authorities and health boards.

Poverty-proofing is defined by the Department of Social, Community and Family Affairs (2000) as:

The process by which government departments, local authorities and state agencies assess policies and programmes at design and review stages in relation to the likely impact that they will have or have had on poverty and on inequalities which are likely to lead to poverty, with a view to poverty reduction.

Poverty-proofing was mandated in relation to the following:

1. Strategic Management Initiative (SMI) Statements of Strategy and Annual Business Plans;
2. designing policies and preparing Memoranda to Government on significant policy proposals;
3. preparation of the Estimates and Annual Budget proposals, expenditure reviews and programme evaluations;
4. preparation of the National Development Plan and other relevant EU programmes and policies;
5. legislation.

The following template for poverty-proofing was drawn up in 1998 by the Combat Poverty Agency and the NAPS Unit (now the Office for Social Inclusion) of the Department of Social, Community and Family Affairs in consultation with the NAPS Inter-Departmental Committee and the social partners:

- What is the primary objective of this policy/programme/expenditure proposal?
- Does it:
  - (i) Help prevent people falling into poverty?
  - (ii) Reduce the level (in terms of numbers and depth) of poverty?
  - (iii) Ameliorate the effects of poverty?
  - (iv) Have no effect on poverty?
  - (v) Increase poverty?
  - (vi) Contribute to the achievement of the NAPS targets [now also including the NAPS/incl targets]?
  - (vii) Address inequalities that might lead to poverty?
  - (viii) As proposed, reach the target group?
- What is the rationale and basis of the assessment (for example, administrative data sources, household survey data, Working Group and Task Force reports, etc) behind each of these replies?
- If the proposal has the effect of increasing the level of poverty, what options might be identified to ameliorate this effect?
- If the proposal has no effect on the level of poverty, what options might be identified to produce a positive effect?

In applying this template, attention is to be paid to particularly vulnerable groups identified in the revised NAPS, including children (Government of Ireland, 2002). Attention is also to be paid to the potential of the policy, programme or proposal to contribute to inequalities that may lead to poverty. The process is undertaken by civil servants with support available from the Office for Social Inclusion and/or the Combat Poverty Agency as requested.

In 2000, the Combat Poverty Agency undertook an initial assessment of the NAPS, including poverty-proofing, based on a literature review and analysis and a postal survey of the community and voluntary sector, other social partners, civil and public servants, researchers, academics, political advisors, media representatives and local government groups (Johnston and O'Brien, 2000). This report clearly identifies the main achievements of poverty-proofing as increased awareness of poverty among civil servants, embedding consideration of poverty in the administrative system and strengthening inter-departmental links in relation to anti-poverty work.

Key concerns expressed about poverty-proofing include inadequate development and implementation of the poverty-proofing guidelines, the delay in extending the process beyond central government and inadequate resources for the effective implementation of poverty-proofing. The report goes on to make 10 recommendations to strengthen and improve the poverty-proofing process. These include considering the introduction of a screening process to assess whether a policy should be poverty-proofed or not; the identification of data and information gaps and actions to address these; the need for consultation with key stakeholders as part of the proofing process; and consideration of an integrated policy-proofing system.

The National Economic and Social Council (NESC) undertook a more detailed review of poverty-proofing in 2000 and 2001 (NESC, 2001). This review reported a high level of compliance with the requirement for poverty-proofing of significant policy proposals at a formal level. However, this did not correspond with high quality or rigorous proofing. Many of the poverty-proofing statements were very short, general and based on unclear concepts of poverty. Although there did appear to be a greater awareness of poverty, this could not be specifically attributed to the requirement to poverty-proof policy, as opposed to the broader influence of the NAPS. Most importantly, this report concludes (as does the Combat Poverty assessment of 2000) that there is no evidence that poverty-proofing has brought about any change in policy.

The NESC 2001 report made the following observations and recommendations:

- *Resources and training:* Many civil servants carrying out poverty-proofing did not have the analytical skills to undertake this work effectively, had no operational definitions of poverty or day-to-day targets against which to assess policy proposals, no indicators and little or no data. There was little evidence of analytical backup being provided to or used by officials carrying out poverty-proofing, neither did they contact relevant external bodies for information and support. In addition, a number of officials noted the lack of awareness of and commitment to poverty-proofing within the civil service, often at very senior levels.

The NESC recommended two training actions to resolve these issues. The first should be aimed at achieving a mindset that is sensitive to the reduction of poverty and social exclusion as an overarching policy objective and developing a commitment to evidence-based policy-making. This training should be incorporated into general service training. The second training exercise should be more targeted and involves individual departments building modules of specific relevance to their policy work.

- *Definitions, data, indicators and guidelines:* Civil servants often found it difficult to relate policy to the consistent poverty measure used in the NAPS, did not have the necessary data on which to make assessments in relation to policy proposals and had no clear indicators of achievement. In addition, the Poverty Proofing Guidelines, circulated to all departments in July 1998, did not take account of these issues.

The NESC recommended that the definition of poverty and poverty measurement have to be made more operational, that data deficiencies need to be addressed by developing existing and new data sources, that indicators need to be identified and that the Guidelines need to be revised to address these issues and customised to the policy domains of the individual departments.

- *Proofing and in-depth impact assessment:* The NESC identified the need for a screening process to allow for particularly relevant policies to be assessed in an in-depth way. All policy proposals should be subject to first-level proofing, but policies that are likely to have a significant impact on poverty should be subject to more detailed impact assessment, conducted by a central and specialist unit. This separation of poverty-proofing and in-depth assessment would prevent the administration from becoming overburdened with in-depth poverty analysis, while allowing those policies with the potential to have the greatest impact to be rigorously assessed.
- *Transparency:* Many representatives of the community and voluntary sector felt that there was little transparency in relation to poverty-proofing. The NESC recommended that the basis for all decisions should be readily identifiable and made accessible to the public.

- *Institutional supports*: The NESC recommended that the institutional supports to the NAPS and poverty-proofing be strengthened. In particular, it is important that this is strengthened at senior level through the Co-ordinating Group of Secretaries-General and the Senior Officials Group. The full staff complement of the NAPS Unit (now the Office for Social Inclusion) should be maintained and work undertaken by officials on the cross-departmental teams should be seen as a core part of their work.
- *Screening and integrated proofing*: Screening – as outlined above by use of first-level proofing and in-depth impact assessment – is seen as necessary in a multi-proofing environment. The NESC considered the introduction of integrated proofing at the time of the review not to be feasible given the difficulties with the various proofing mechanisms.
- *Extending poverty-proofing*: The NESC recommended that poverty-proofing should not be extended to local authorities and State agencies until the issues and limitations identified in the review are addressed. When extended to these bodies, the initial emphasis should be on training for and resourcing of staff to undertake first-level policy-proofing. More in-depth poverty impact assessment would be undertaken by the proposed central unit or an additional specialist unit set up to do this work specifically for local authorities and State agencies.

The principal source of support for those undertaking poverty-proofing at national level is the Office for Social Inclusion (OSI), located in the Department of Social and Family Affairs. While there is little evidence that the recommendations of the NESC have been acted on in any coherent way, progress has been made in a number of areas. First, the OSI is working with the Department of Health and Children to develop specific poverty-proofing guidelines for that department. These will recognise the broader policy context within which the department is operating and provide a detailed template specific to its policy domains. If successful, this could provide a model for work with and in other government departments.

Second, contrary to the advice of the NESC, poverty-proofing is being extended to local authorities and health boards as part of the wider roll-out of NAPS to local level. This work is being supported by the Combat Poverty Agency and guidelines for the development of local anti-poverty strategies and poverty-proofing form part of this work. How successful poverty-proofing will be at this level is not yet known. However, given the NESC and the Combat Poverty Agency's reservations and recommendation relating to the lack of relevant data at national level, it can be expected that this particular weakness will be exacerbated at local level.

## Rural-proofing

Rural-proofing was introduced in the White Paper on Rural Development, *Ensuring the Future: A Strategy for Rural Development in Ireland* (Government of Ireland, 1999), which states (emphasis in original):

As an over-riding general principle, the Government is committed to the **'rural proofing'** of all national policies so as to ensure that policy-makers are aware of the likely impact of policy proposals on the economic, social, cultural and environmental well-being of rural communities.

The White Paper states clearly that policies that discriminate against rural communities and areas will undermine national economic performance and social cohesion. Rural-proofing of policies is therefore a key mechanism not only for rural areas, but also for balanced economic and social development that meets the needs of rural communities.

The White Paper makes provision for the introduction of administrative procedures for rural-proofing by all departments. The operation of these procedures at all levels of the institutional framework is expected to contribute significantly to integrating the strategy for the economic and social development of rural areas with the objectives and principles of other national policy initiatives.

The Department of Agriculture, Food and Rural Development (2002) produced *Guidelines for the Implementation of Rural Proofing Procedures*. (Rural-proofing now falls within the remit of the Department of Community, Rural and Gaeltacht Affairs.) These guidelines state:

All sectoral policies must take account of specific rural circumstances and needs as an integral part of the formal policy-making process. In practice this means that, as policies are developed, policy-makers should assess:

1. whether their policy is likely to have a different impact in rural areas compared with elsewhere, because of the distinct characteristics of rural areas; and
2. where necessary, what policy adaptations or compensation might be applied in order to reflect rural needs and circumstances, having regard to likely costs and benefits.

The rural-proofing guidelines go on to identify the characteristics of rural Ireland and to provide a list of questions that policy-makers should consider in assessing the impact of their policies. The template provided is based on that used for poverty-proofing and covers some common areas, including identifying the objectives of the policy, its potential positive and negative impacts for rural dwellers, the data base of the analysis put forward, and the potential for policy alternatives or improvements that will have a positive impact for rural development and rural dwellers. The template also provides a list of issues that have particular relevance for rural development, such as equality of access and improved services for rural dwellers, as well as improving the employability or entrepreneurship of farmers or other rural dwellers, thereby contributing to other rural development policies such as those on agri-tourism and to the creation of a rural social economy.

## Equality-proofing

Equality-proofing moved firmly onto Ireland's policy agenda in *Partnership 2000*, the national social partnership agreement for the period 1997-2000. This agreement contained a commitment to strengthening equality-proofing procedures in the context of the NAPS, having due regard to the recommendations of the report by the National Economic and Social Forum (NESF) on *Equality Proofing Issues* (NESF, 1996). A Working Group was established to examine this area and its report (Mullally and Smith, 2000) defined equality-proofing as:

The (re)organisation, improvement, development and evaluation of all policy processes ... so the equality perspective is incorporated in all policies at all levels and at all stages, by the actors normally involved in policy-making.

Responsibility for equality-proofing lies with the Equality Unit of the Department of Justice, Equality and Law Reform and is overseen by the Working Group on Equality Proofing. The Equality Authority provides technical and other supports to this Working Group. Equality-proofing addresses 9 grounds: age, sex, race, religion, marital status, family status, disability, sexual orientation and membership of the Traveller community. This makes it one of the broadest proofing areas.

The *Report of the Partnership 2000 Working Group on Equality Proofing* identified a 9-step process for equality impact assessment (Mullally and Smith, 2000). This model, modified to a greater or lesser degree, has shaped much of the subsequent work on equality impact assessment. The 9 steps are as follows:

1. Identifying strategic priorities for impact assessment – this is essentially a screening step to ensure that the policy being assessed has a significant impact on equality.
2. Description of the situation before the proposed change.
3. Defined desired outcomes.
4. Scoping – deciding on the specific matters to be included in the impact assessment.
5. Impact assessment – identifying the impact of the policy on each of the 9 grounds.
6. Developing options and alternatives.
7. Examining the proposals for the implementation of the policy.
8. Examining proposals for monitoring and evaluation.
9. Making recommendations and reporting.

The last of these steps sets out the content of equality impact statements (Mullally and Smith, 2000):

1. a statement of the purpose and rationale of the policy;
2. an outline of the alternatives to the policy;
3. an outline of the method of implementation proposed;
4. an outline of alternative implementation proposals for the policy;

5. a list of possible impacts both direct and indirect resulting from items 1 through 4;
6. quantification of such impacts as possible or practical based on such data sources that might expect to be available;
7. a report on public consultation methods employed in the impact assessment and how the outcomes of the consultation process have been taken into account in the final recommendations;
8. a report on the data and information used;
9. recommendations on the preferred policy option;
10. recommendations on the preferred method of implementation of the policy;
11. identification of monitoring requirements over the life of the policy and provision for remedial actions if necessary;
12. provision for evaluation and review within a given time frame;
13. a non-technical summary;
14. information on contact persons.

This outline of an equality impact assessment clearly illustrates the complexity and potentially time-consuming nature of policy-proofing if it is done well. The question of who decides if the impact assessment is satisfactory is addressed in the Working Group report, where it is advised that impact assessments are sent to the Equality Authority to be checked for adequacy, objectivity and completeness. This reflects the way the Equality Commission works in Northern Ireland, where equality impact assessment is legislated for: there, public authorities are required by law to carry out equality impact assessments and to submit these to the Equality Commission for comment. Such a process has not yet been developed in Ireland. Therefore, while the Equality Authority can assist various bodies in undertaking equality-proofing, it can only comment if invited to do so.

## Integrated equality and poverty-proofing

The *Report of the Partnership 2000 Working Group on Equality Proofing* recommended an integrated approach to mainstreaming equality-proofing, i.e. bringing together gender, poverty and equality under the one integrated impact assessment procedure (Mullally and Smith, 2000). It was readily acknowledged that the development of such a system would take considerable time and, as in the case of equality-proofing itself, would require a learning-by-doing approach.

In 2004, this work was progressed with the drawing up of a template for integrated proofing and the application of this to the expenditure review of the Back to Education Allowance and to the National Action Plan against Racism (NAPR). Key organisations concerned with poverty and equality were identified and invited to attend a facilitated meeting with the relevant lead Department and the Equality Authority. Materials on the expenditure review and the NAPR, as well as the draft template for integrated proofing, were circulated in advance of the meeting.

The draft template presents 6 steps for integrated proofing: (i) screening; (ii) screening by target group; (iii) identifying and gathering data on differences and barriers; (iv) impact assessment; (v) formal consultation; and (vi) decisions.

At the facilitated meeting, the template was not strictly followed, but an agenda was agreed that addressed the principal components of integrated proofing of the two processes involved - the expenditure review of the Back to Education Allowance and the National Action Plan against Racism. The results of this exercise provide some insight into the complexities and barriers to integrated proofing:

1. *Screening*: There is a need to develop more sophisticated guidelines and methods of screening. At present, this is more of a 'tick-box' exercise than a serious consideration of the potential relevance and impact of the policy or programme in question.
2. *Screening the target groups*: Other than where it was obvious that the policy or programme was not intended for any one target group, it was very difficult to see where policies would not have an impact on one of the 13 grounds or target groups identified. Composite groupings may be required and be more useful.
3. *Data issues*: There was very little relevant disaggregate data available. Other issues that arose were the type of data needed for integrated proofing, who should have this data and sensitivity in using it.

4. *Draft policy material:* In both instances, only draft and incomplete materials were available from the policy-makers. Although some participants found this to be a difficulty, it was acknowledged that this is a feature of the policy-making process and may have to be continually managed.
5. *Capacity:* The capacity to apply integrated proofing is low among both NGOs and policy-makers. This is based on a lack of experience given the newness of the process, lack of resources and a perceived misunderstanding of the role of proofing.
6. *Equality and/or poverty-led policies:* Both of the policies tested in this exercise had either an equality or a poverty focus. Testing the process on policies that have neither as their focus will be important.
7. *Policies versus programmes:* Applying the template was much easier in the case of the clearly defined review of expenditure of the Back to Education Allowance, but substantially more difficult and complex in the case of the broad anti-racism programme. This issue needs to be addressed in future drafts of the integrated proofing template.
8. *NGO participation:* Policy-makers need guidance and advice on the most relevant NGOs to involve in integrated proofing exercises.
9. *Changing attitudes:* On a positive note, many policy-makers expressed the view that the pilot exercise helped raise awareness of poverty and equality, and also helped them in finalising their policy/programme.
10. *Target groups:* Although the list of target groups extended to 13, others were also identified, including ex-offenders, prisoners and homeless people. In addition, the cross-cutting nature of the target groups was evident, such as women with disabilities and older members of the Traveller community.
11. *Maintaining a focus:* It was difficult to constantly maintain a focus on both poverty and equality.

## Health Impact Assessment

Contrary to some other forms of assessment, and although coming to the fore in Ireland only recently, health impact assessment (HIA) is well established internationally and has a broad base of expertise on which to draw. In Ireland, HIA has developed in the context of the European Union. Under the Maastricht Treaty (1992, Article 129) and the Amsterdam Treaty (1997, Article 152), EU policy must not have an adverse effect on health or create conditions that undermine health promotion. The Institute of Public Health in Ireland provides advice on methodology and facilitates training for HIA. This work is being carried out on an All-Ireland basis in conjunction with the Department of Health and Children in the South, and the Department of Health, Social Services and Public Safety in Northern Ireland.

The European Centre for Health Policy (1999), part of the World Health Organisation, defines HIA as:

A combination of procedures, methods and tools by which a policy, programme or project may be judged as to its potential effects on the health of a population, and the distribution of those effects within the population.

This definition has been adopted by the Institute of Public Health in Ireland (IPH) in its work on HIA. In 2001, the IPH undertook a scoping exercise to determine the awareness and experience of HIA and also to increase its profile among key actors who would be involved in its introduction and use in the future (IPH, 2001a). This scoping exercise involved a postal survey of the Directors of Public Health, Health Promotion Officers and Manager, Senior or Chief Planning Officers, Principal or Chief Environmental Health Officers, and selected academics and community health organisations. In addition, 28 face-to-face or telephone interviews with key informants were conducted.

These scoping exercises revealed a very low level of experience in HIA and a level of confusion of HIA with other forms of assessment and evaluation. On the positive side, a high level of interest in the using of HIA as an effective policy tool was also found. Participants involved in this scoping exercise also identified a long list of critical success factors for the introduction and use of HIA. These are clearly reflected in the IPH's recommendations on progressing HIA and subsequent work (IPH, 2001b), summarised as follows:

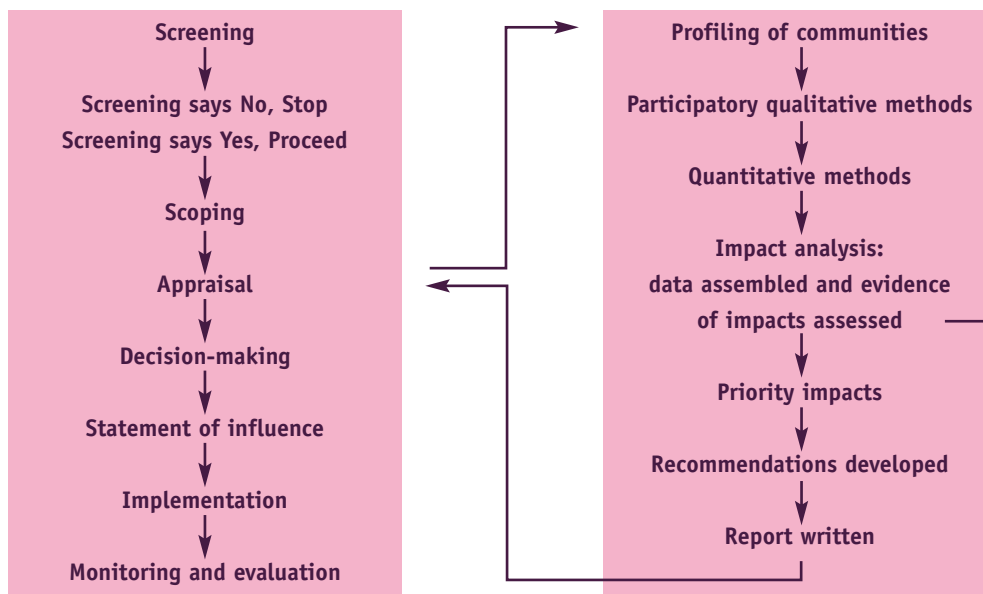
1. HIA must be based on a broad definition of health that encompasses the range of determinants on health status and promotes health gain. Awareness of HIA and knowledge of the methods involved need to be increased. In addressing these issues, the differences between HIA and other policy assessments and proofing need to be made clear and the role of various government departments, not just those directly concerned with health, highlighted.
2. To prevent HIA from becoming a bureaucratic exercise, involving little more than ticking boxes, it should be underpinned by high level political support, potentially legislated for, and marketed as a positive development. It should make the links between health and Government priorities, such as economic development and sustainability.
3. HIA must be made relevant to people's core work and be seen to have an impact on policy and provision. It should be a clear and simple process since if it becomes too complex, it will not be carried out. It should be based on robust evidence and contribute to research on the determinants of health and HIA itself.
4. HIA procedures should be integrated, or at the very least linked, with other forms of impact assessment and proofing. The importance of intersectoral and interdisciplinary working needs to be highlighted. HIA should, with other impact assessments, be moved into mainstream policy.
5. HIA should be coordinated by a central agency that would provide support to those undertaking HIA, maximise the potential of existing partnership arrangements and bodies and initiatives, and provide a coherent framework for HIA.
6. Capacity in HIA needs to be built up through a coordinating HIA agency, awareness raising and the provision of information, training and learning-by-doing, a pilot programme of HIA projects, developing HIA tools and networks for policy-makers, academics and practitioners, and the provision of ring-fenced resources.
7. All relevant stakeholders across all sectors and organisations, as well as individuals, should be involved to ensure equity and promote a sense of shared ownership of the process.

Following on from this scoping exercise, the IPH has developed *A Practical Guidance Manual* on HIA (IPH, 2003). This manual identifies three points in the policy cycle at which HIA can take place.

- Prospective HIA takes place early in the design of a policy, programme or initiative. HIA should ideally be carried out at this stage when there is the potential to influence policy decisions.
- Concurrent HIA takes place as the policy, programme or project is being implemented or when it is subject to review.
- Retrospective HIA is carried out when a policy, programme or project has already been implemented and can provide knowledge for future similar initiatives.

Irrespective of the type of HIA being undertaken, the IPH provides a step-by-step guide through the key stages of HIA. These are presented schematically in Figure 1.

**Figure 1: Schematic representation of HIA procedure and methods**



Source: Institute of Public Health in Ireland (IPH, 2003)

Before applying this or any other methodology, a clear understanding of the determinants of health in the relevant policy area is required. This will influence how and how much of the methodology is implemented, including what research is needed, who should be consulted and what expertise is required (IPH, 2003). The five principal components of this methodology are screening, scoping, appraisal, statement of influence and monitoring and evaluation.

1. *Screening*: Screening should quickly and systematically establish whether or not a policy, programme or project has an impact on health, identify vulnerable groups, establish the direction, duration and scale of the impact, whether there is a need for in-depth HIA and if the potential exists for this to influence policy. Screening should be carried out by a 'core group' of key informants and stakeholders, and be based on a clear understanding of the policy context, the rationale for the proposed policy, its aims and objectives, and the effects of similar policies elsewhere. A screening tool is suggested to help frame discussions and prompt consideration of health issues, and careful preparation for meetings of the group is recommended. Finally, the potential health impacts identified should be listed in terms of their priority and a transparent account of the entire screening process recorded. If the outcome of the screening process indicates that a more detailed HIA is required, the following steps should be taken.
2. *Scoping*: Scoping should be undertaken with a steering group comprised of the main stakeholders, including policy-makers, relevant professionals, affected communities, people with good local knowledge and others. This should bring together a broad mix of skills and knowledge. If possible, the main decision-makers or their representatives should be involved. Clear terms of reference should be drawn up for this steering group and an accurate record should be kept of its discussions and decisions. The health dimensions of the proposed policy, programme or project should be clearly explained, as should the purpose of the HIA. The tasks involved in the HIA and those people best placed and willing to undertake them should be identified, as should those who will be responsible for managing the process and chairing the steering group. The areas of the policy, programme or project that are not open to negotiation should be identified and no time wasted on them. Finally, the steering group should establish a timetable for its work, decide what methods and information are needed to assess impacts and determine how to monitor and evaluate the HIA process.
3. *Appraisal*: This is the main aspect of the HIA process and is comprised of three tasks – gathering data, making recommendations and writing and presenting the final report. Gathering data can include some or all of the following: population profiles, an analysis of policy proposals, a literature review, participatory qualitative approaches and quantitative approaches. However, a number of data issues arise that the steering group should be made aware of, including the lack of data, the speculative nature of some of the available evidence and time constraints on gathering evidence. In making recommendations, these issues should be ranked or prioritised. Before making specific recommendations, consideration should be given to the strength of the evidence to support each issue, the scale of the identified impact, the distribution of the impact over the relevant population (with particular attention being paid to vulnerable groups) and the latency and duration of the various impacts. A final report should then be prepared, setting out the HIA process clearly, its findings and the proposed revisions to the policy, programme or project.
4. *Statement of influence on policy, programme or project*: This statement is drawn up once the policy, programme or project has been finalised. It should compare the HIA with the final policy and draw attention to the influence the HIA has had, if any.
5. *Monitoring and evaluation*: This is concerned with both the HIA itself and with the policy, programme or project assessed. The HIA itself should be evaluated in terms of its process, its inclusiveness and its usefulness. Its impact should be monitored and evaluated in terms of whether or not its recommendations were accepted and brought about any change in the policy. With regard to the policy, programme or project assessed, this should be monitored to assess whether positive health impacts were achieved and negative ones minimised. Such changes, however, may take some years to emerge.



In supporting and promoting HIA, the IPH is planning to deliver training to relevant personnel and to start a pilot measure involving the application of HIA to several policies or initiatives across a small number of government departments. This will provide a considerable learning experience. Currently, a few HIAs have been carried out by public bodies with the assistance of the IPH and the evaluation of the process by those involved provides some useful knowledge, at least some of which is reflected in the *Practical Guidance Manual* of the IPH (2003). However, while participant evaluation of these is generally positive, there has been no evaluation of the method proposed by the IPH or of HIA as a policy-influencing tool in Ireland. This largely reflects the very early stage of development of HIA in Ireland at present.

## Environmental Impact Assessment

Environmental impact assessment emerged in Canada and the USA in the 1970s, spread to Europe in the 1980s and is now governed in EU Member States by EU Directive 97/11/EC, amending Directive 85/337/EEC (European Commission, 1997b). This is one area in which impact statements and impact assessment have been separated quite clearly.

An environmental impact statement (EIS) is defined by the Environmental Protection Agency (EPA) as 'A statement of the effects, if any, which the proposed development, if carried out, would have on the environment' (EPA, 2003). An environmental impact assessment (EIA) is defined by the same Agency as 'The process of examining the environmental effects of development – from consideration of environmental aspects at design stage through to preparation of an environmental impact statement, evaluation of the EIS by a competent authority and the subsequent decision as to whether the development should be permitted to proceed, also encompassing public response to that decision'.

EISs are generally prepared or commissioned by the developer (including the Government) seeking planning decisions, whereas EIAs are carried out by the Department of the Environment in consultation with various other departments and agencies. Under the 1997 EU Directive, these are both compulsory in what are called Annex I projects, i.e. projects that are always likely to have a significant environmental impact. In relation to what are called Annex II projects, smaller projects where the environmental impact is less clear, Member States have greater flexibility in the application of EIS and EIA. However, Ireland has established mandatory standards for Annex II projects, giving it one of the highest levels of environmental impact assessment in Europe.

There are a number of key differences between EIS, EIA and other forms of policy-proofing. First, given its physical nature, environmental impact is easier to assess than in the case of less defined and less tangible concepts such as equality and poverty. Secondly, EIS and EIA are currently applied only to projects and programmes, not to policy. This narrows their scope somewhat.

Nonetheless, EIA is similar to other proofing procedures described above – and also fraught with many of the same difficulties. First, the environment is a very wide topic, encompassing water, air, soil and land use, energy, flora and fauna, and a host of other areas. Secondly, environmental impacts may be direct or indirect, current or latent, short term or long term. These issues make EISs and EIAs time-consuming processes. Thirdly, the template for drawing up both EISs and EIAs resembles a number of those outlined above. Therefore, key components of both an EIS and EIA are screening, scoping and formal and informal consultation. The contents of an EIS should include a description of the proposed development, a description of the existing environment, the anticipated impacts of the development on the environment, measures to mitigate adverse effects and a non-technical summary.

## Regulatory Impact Assessment

One of the most recent forms of impact assessment in Ireland is regulatory impact assessment (RIA). By the mid-1990s, more than half of the OECD countries were using some form of RIA when taking regulatory decisions. The introduction of RIA at national and EU levels was recommended by

the Report of the EU High Level Consultative Group on Regulatory Quality (the Mandelkern Group) and the European Commission published a package of measures on better regulation in 2002 (European Commission, 2002d). In addition, an OECD report on regulatory reform recommended the introduction of RIA in Ireland (OECD, 1997). In 2001, a High Level Group on Regulatory Reform, chaired by the Department of An Taoiseach, was established and a White Paper was published in 2004, entitled *Regulating Better: A Government White Paper setting out six principles of Better Regulation* (Government of Ireland, 2004). This White Paper clearly sets out the agenda for reform of the regulatory process and the place of RIA within that agenda.

In this 2004 White paper, RIA is defined as:

... an assessment of the likely effects of a proposed new regulation or regulatory change. It involves a detailed analysis to ascertain whether or not the new regulation would have the desired impact. It also helps to identify the side effects and any hidden costs associated with regulation. RIA clarifies the desired outcomes of the proposed regulatory change. RIA promotes evidence-based policy-making by giving detailed consideration to the likely impacts of decisions, along with structured consultation with stakeholders and citizens. RIA is not a substitute for decision-making. It is an approach which improves the quality of political and administrative decision-making, while providing openness, public involvement and accountability.

The impacts to be covered under RIA are economic, social and environmental. The procedure to be applied bears many of the features of the methods outlined above, including screening, consultation and the consideration and presentation of alternatives to regulation. A draft model of RIA is currently being piloted in a number of government departments. This pilot exercise will provide considerable knowledge and experience.

## Summary

Ireland has seen a considerable increase in policy-proofing and impact assessment in the past decade. Government departments, agencies and bodies are now being asked to proof their policies, programmes and projects, as well as their internal practices, on a growing array of grounds – gender, poverty, equality, health and environment. While it may seem appropriate and perhaps expedient to integrate one or more of these processes, the limited experience of integrated equality and poverty-proofing shows that this is not a simple solution. However, it should be remembered that most of these processes are, at best, in their infancy and like most processes, take time to develop, to become more sophisticated or simple as required, and to find their place in the policy-making machinery. What is notable is that there appears to be little consideration at this point of the evaluation of each of these processes and the methods and tools employed. Again, this may reflect their infancy, but this issue needs to be addressed in an ongoing way if learning is to be captured and fed back into the developmental process in a timely and cost-efficient manner.

**5 CHILD IMPACT  
STATEMENTS:  
EXPERIENCE IN  
OTHER COUNTRIES**

Child impact assessment is not a common practice. Only three countries could be identified where a form of child impact statement or assessment is carried out. The experience of these three countries – Sweden, Flanders and England – is considered here.

## Child Impact Assessment in Sweden

In 1999, the Swedish Government passed a Bill governing its strategy for the implementation of the UN Convention on the Rights of the Child (UNCRC) at all levels of Swedish society and government. This Bill sought in particular to give the UNCRC's Article 3 on the best interests of the child a meaning in reality. One of the tools to achieve this is child impact assessment, which is now to be carried out on all government decisions that influence children's lives. Important supplementary measures were also introduced, including the representation of children's perspective as far as possible in all Government Commissions, the provision of in-service training to all officials whose work involves children and the development of statistics on children. This involves government officials at national level, county councils and municipalities (Sylwander, 2001).

Child impact assessment is described by the Swedish Ombudsman for Children as a tool for the implementation of the UNCRC, and in particular Article 3 regarding the best interests of the child. This tool has a number of components, all of which can be defined. (The definitions used are included in Chapter 2 of this report, under 'Some key concepts'.) Here, it is important to note that what is seen to be most common in Sweden is child impact appraisal, the systematic assessment of the impacts of a policy, programme, legislation, project or proposal on children. It is carried out by experts, decision-makers and children's representatives on the basis of existing knowledge gained from experience, research or similar exercises. Nonetheless, there is some experience of higher level child impact assessments and an analysis of this experience has been carried out (Sylwander, 2001).

While there is a high degree of awareness among Swedish policy-makers and bodies of the UNCRC, particularly at regional and local level, a number of weaknesses are identified in relation to the implementation of the Convention and of child impact assessment as a tool to support its implementation. These include:

1. *Lack of clear definitions* of the various concepts, tools and methods involved, including child impact appraisal, child impact assessment, child impact review and child impact evaluation.
2. *Lack of evaluation*: It is not known to what extent child impact assessment effects change in policy and provision, or brings about change in children's lives.
3. *Lack of a long-term strategy* for converting the UNCRC into practice and an over-reliance on one method of assessment.
4. *Lack of critical self-awareness*: Impact assessments tend only to be highlighted in relation to policies that affect children in a positive way and do not engage with the wider issue of formulating and checking that policy considers and serves the best interests of the child.
5. *Lack of debate* concerning competing priorities and how decisions regarding these are to be made.
6. *Lack of participation* by children and young people in discussions that feed into policy decisions.

Factors that contribute to the success of child impact assessment can also be identified:

1. *Commitment and determination* to implementing the UNCRC, based on a firm understanding of the purpose and meaning of the Convention.
2. *Information and education* is a basic prerequisite for success. Those being asked to give effect to the UNCRC must know its background, context, legal status and the main elements. They must also be aware of the implications of adopting a child perspective in their daily work as a reasonable knowledge of the conditions of children in their jurisdiction, the problems and challenges facing children, as well as a knowledge of the wide policy and administrative environment that affects children.
3. *A common frame of reference and agreed definitions of core terms* – such as 'children', 'neglected children', 'children with special needs' or 'children at risk' – that arise in their work but which can have very different interpretations.

4. *Time to gain acceptance* and a clear recognition that there are no hard-and-fast rules. Developing child impact assessment as a tool for the implementation of the UNCRC must be seen as a learning process and one that will take considerable time to develop.

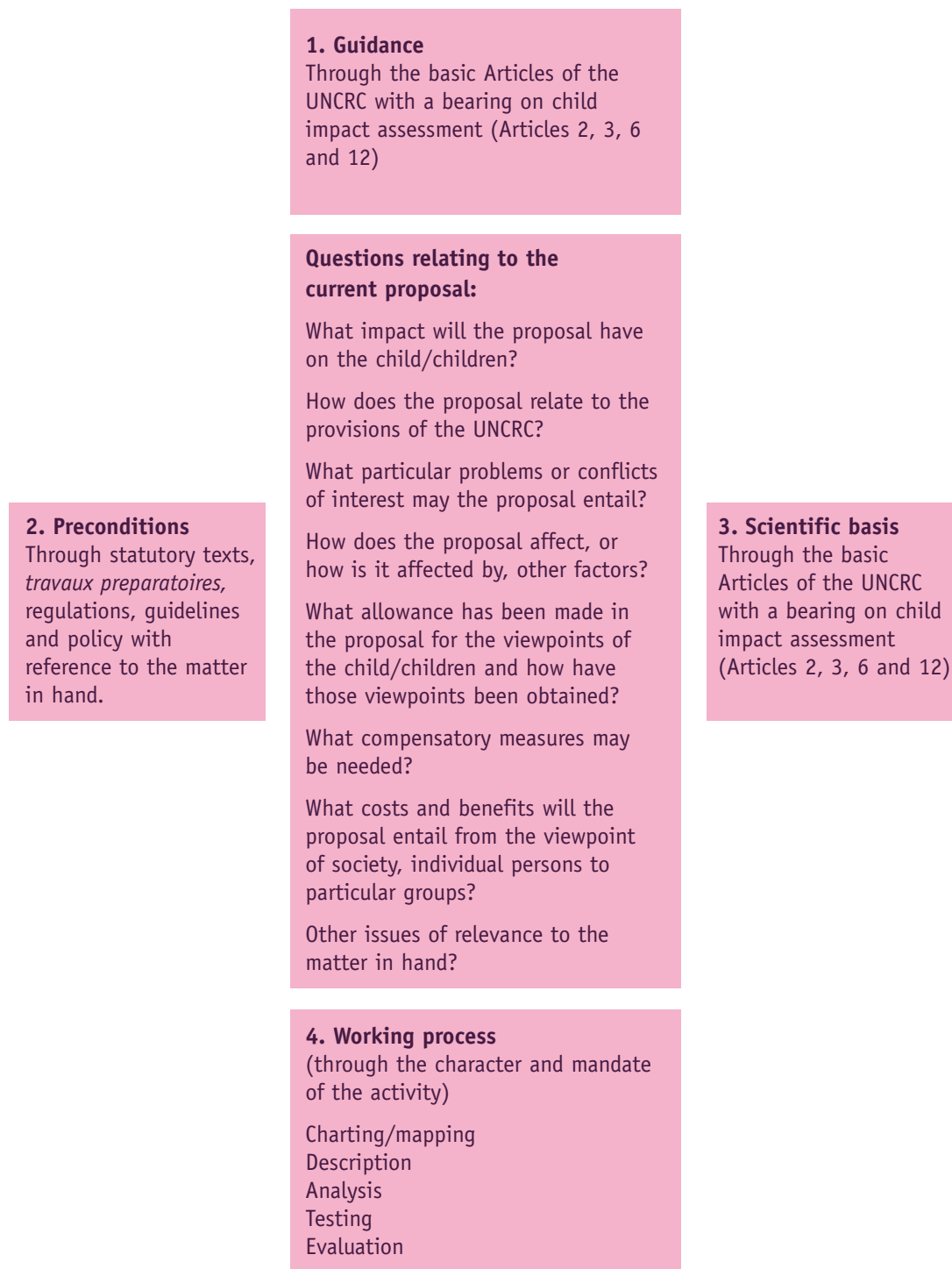
In undertaking child impact assessment, the Swedish experience points to two core issues: the best interests of the child should be the point of departure of all child impact assessment, and it must be carried out in a meaningful way (which, of course, requires the procurement of the perspective of children). To ensure these two core issues are addressed, supportive systems and structures must be put in place to assist the organisation, body or agency to develop child impact assessment as an efficient tool. In addition to these two core points, a number of key questions must also be addressed, including:

1. *Which children or groups of children are affected by the initiative?* This question raises two fundamental and complex issues. The first of these is whether the initiative affects an individual child, a particular group of children or children generally. This issue arises because Article 3 of the UNCRC, which is taken as the starting point of the child impact assessment, refers to both the individual and collective level. The second issue concerns the heterogeneity of children – what is best for one child or groups of children might not be best for others. Ways of addressing these issues have to be found.
2. *What initiatives or decisions are to be subject to child impact assessment?* This is essentially a question of screening and practices similar to those used in other proofing or impact assessment areas. No absolute guide is used in Sweden or provided on the basis of their experience. Instead, what is recommended is that every decision, policy, etc. should be subject to the question ‘Does this have an impact on children?’ If the answer to this is ‘No’, then no child impact assessment is carried out. If the answer is ‘Yes’, then it is up to the organisation or agency concerned to determine the significance of the impact. If the impact is judged to be of little significance, then a child impact assessment may not be deemed necessary. If the impact is expected to be substantial, then a child impact assessment is required. In making this decision, it is recommended that the views of children should be sought.
3. *What form is the child impact assessment to take?* There is no simple answer to this question. The type of child impact assessment required (appraisal, full impact assessment, review or evaluation) will depend on the particular measure being assessed. For example, in cases where the intervention or policy is aimed specifically at improving children’s circumstances, it may be that a child impact evaluation will be more appropriate than an in-depth assessment. What is considered essential, however, is that those making the policy, decision, etc. are well acquainted with the general principles and main articles of the UNCRC and committed to their implementation.
4. *What consequences are to be analysed?* Taking a common-sense approach to policy-making leads to the conclusion that it is impossible to foresee every consequence or impact of every decision. Therefore, in undertaking child impact assessment, it is important that priority is given to the impacts that are most significant for children and that are realistically most likely to occur. In addition, the problem of establishing cause and effect on an *ex-ante* basis is acknowledged.

Building on this experience and taking the best interests of the child as the overarching framework, a model for child impact assessment has been developed (*see Figure 2*). The four sides of this model provide the overall framework within which child impact assessment should be located and conducted.

- *Guidance* on child impact assessment should be drawn from the UNCRC, and in particular the four basic principles set forth in Articles 2, 3, 6 and 12.
- *Preconditions* refer to pre-existing legislation, policies, etc. that are concerned with or provide the national context of children’s rights and interests, including those relating to education, health, participation and care.
- *Scientific basis* refers to the need for both scientific research as well as general knowledge of the policy domain in which the child impact assessment is being undertaken.
- *Working process* will be determined to at least some extent by the particular issue in hand. However, it should generally contain the five elements of charting or mapping, description, analysis, testing and evaluation.

Figure 2: A model for child impact assessment in Sweden



Source: Sylwander (2001)

The first three elements of the working process (charting/mapping, description and analysis) are essentially concerned with applying a different approach to the 'Questions relating to the current proposal' (as shown in Figure 2). These questions reflect those identified by the UN Committee on the Rights of the Child as being central to child impact assessment. Testing and evaluation bring all of the charting/mapping, description and analysis together to make a decision. The decision must also take into account all of the elements that lie on the sides of the framework, i.e. the guidance provided by the UNCRC, the preconditions and the scientific basis. In doing so, the best interests of the child must be one of the most significant, if not the primary concern. Ultimately,

the decision taken must be the best possible decision for children. This may seem like a naïve requirement since it is readily acknowledged that to expect the best interests of children to be the primary consideration in all policy decisions that affect them is not feasible, politically or practically. Under certain circumstances, other concerns (such as the national economy, national security or the needs of other vulnerable groups) will take precedence. However, the burden of proof as to which takes precedence – the best interests of the child or other concerns – lies with the decision-makers. They must show that the best interests of the child were considered and the reasons why, in any specific instance, other priorities were found to be more dominant.

Evaluating the impact of the policy, intervention, etc. after it has been implemented is an important part of child impact assessment. Impact evaluation should compare the actual impacts of the measure against those anticipated in the earlier stages of the assessment. The views of children affected by the measure should form a key part of this evaluation process.

While not part of the overall framework, attention is drawn in this Swedish review to the importance of documentation. This is essential if the process of child impact assessment is to be transparent and if learning is to be shared. In addition, meticulously documenting the process and making this widely available and easily accessible contributes to our knowledge of how children's rights are viewed in the policy process and the weight they carry relative to other considerations.

The Swedish Ombudsman for Children considered child impact assessment to be at an early mobilisation stage (Sylwander, 2001). Moves to strengthen the entire implementation strategy for the UNCRC and, as part of this, child impact assessments were taken in 2004. In January 2004, the Swedish Government issued a Communication to the Rikstag on the further development of the strategy to implement the UNCRC (Ministry of Health and Social Affairs, 2004). This Communication aims to build on and strengthen the existing strategy. In it, a renewed commitment is given to child impact assessment, with the emphasis on learning from work already done by various agencies at different levels of government, particularly in the area of integrating a children's perspective into decision-making, improving the system of management by objectives and results, and providing support for relevant agencies.

## Child Impact Reporting in Flanders

In Flanders, child impact assessment is referred to as child impact reporting and describes the examination in advance of the potential impact of any given measure on the rights of the child. The basis of child policy is taken to be Article 4 of the UNCRC, i.e. that all appropriate measures will be taken to safeguard the rights of the child guaranteed in the Convention. Child impact reporting is the tool used to give practical application to this objective (Expert Commission on Child Impact Reporting, 2004).

The obligation to draw up a child impact report is governed by legislation in Flanders. Under an Act of the Flemish Parliament in July 1997, every draft Act that clearly has a direct impact on children's interests must be accompanied by a child impact report. A further Government Decree in 2001 states that draft Acts can only be approved by the Flemish Parliament if they are accompanied by a child impact report.

The structures and processes put in place to support child impact reporting are somewhat complex. In the first instance, the competent Minister must decide if a child impact report is required in relation to each draft Bill. Here, it is important to remember that only draft Acts with a *direct* impact on children require a child impact report. This decision is made with the advice of the Expert Committee on Child Impact Reporting, established in 1998. If the Minister decides that no child impact report is required, he or she communicates this to the coordinating Minister for Children's Rights, who is the Flemish Minister for Welfare, Health, Equal Opportunities and Development Co-operation.

If the competent Minister decides that the draft Act has a direct impact on children, he or she can either have a child impact report drawn up or seek the advice of the Expert Committee on Child Impact Reporting on a possible derogation of this obligation. If the competent Minister does not

make a decision on the possible direct impact of the draft Act on children, the coordinating Minister for Children's Rights may raise this issue with the Flemish Government during its consideration of the draft Act. The Council of State may also insist on the inclusion of a child impact report before it provides advice on draft Acts. Ultimately, however, it is the Flemish Parliament (in its capacity of ensuring compliance with legislation) and the Office of the Children's Rights Commissioner (in its capacity of overseeing the implementation of the UNCRC) that have the final say on these issues.

Drawing up the relevant child impact report is the responsibility of the civil servant drafting the Act. The template to be applied, devised by the Office of the Expert Commission on Child Impact Reporting, is provided in Appendix 4. This template has 8 key sections:

1. general questions regarding the consideration given to the rights of the child in drafting the Act;
2. anticipated positive and negative impact on children in a range of policy domains;
3. questions specifically relating to the four basic principles of the UNCRC;
4. list of information sources on which the child impact report is based, including consultations with relevant government and children's organisations and children themselves;
5. miscellaneous considerations;
6. evaluation of the child impact reporting process;
7. policy conclusions;
8. contact information.

Two key points are noteworthy in considering the Flemish model of child impact reports. First, these are limited to draft Acts that can be seen to have a direct impact on children. While making the system more administratively manageable, the exclusion of Acts that may have an indirect impact can be expected to limit the scope and value of the exercise. Second, while it is obligatory for child impact reports to accompany relevant draft Acts, there is no onus or obligation on the Flemish Government to take account of these when finalising legislation. This weakens the potential impact of the reports and has led to some frustration among those civil servants who devote considerable time and effort to drawing up child impact reports.

## Child Impact Statements in England

Unlike Sweden or Flanders, child impact statements in England are not governed by legislation nor are they part of a coherent national strategy to implement the UNCRC. Child impact statements in England emerged as a project funded jointly by the Gulbenkian Foundation and UNICEF. In this project, the National Children's Bureau (NCB) commissioned child impact statements on 23 Bills in 1997/98 on behalf of the All-Party Parliamentary Group for Children. This represented all Bills being drafted or presented to Government at the time, with the exception of the Finance Bill. The issues covered by the Bills were wide ranging and included crime and disorder, minimum wage, social security, teaching and higher education, firearms and public processions (Hodgkin, 1999).

A range of experts were commissioned to undertake the child impact statements on these Bills, including lawyers, academics and NGOs. In recognising that the audience was a broad-based and non-technical one (primarily the All-Party Parliamentary Group for Children), experts were asked to write short (no more than 4,000 words), non-technical statements. They were asked to address the following issues:

- Are there any effects of the Bill that are specific to children as opposed to the rest of the population?
- To what extent is the Bill likely to promote or inhibit the implementation of any relevant international treaties or standards applying to the UK?
- To what extent is the Bill likely to contribute to the achievement of any goals identified by the current government in relation to children?
- Are there any differences of opinion over the likely impact on children expressed in the public domain?



In addition to these four key issues, the experts were asked to evaluate the process of writing the child impact statements. This provided some useful learning and raised a number of very practical issues. One of these was the extent to which the experts struggled to stay within the limits of impact of the particular Bill on children, rather than to stray towards a broader analysis of its provisions. Another issue experienced was the limits of the experts' own expertise; some found themselves involving others with expertise in relevant areas, thereby adopting a collaborative approach (Hodgkin, 1999).

An overall analysis of the child impact statements and the experts' evaluative comments was undertaken by the NCB. This identifies a number of key factors necessary if child impact statements are to be effective. In addition, this project continued over a second year (1998/99) and further lessons can be gleaned from the second report (Payne, 2000).

- *Political commitment* at the highest level is necessary if child impact statements are to become an integral part of policy-making.
- *Clear guidelines* of what a child impact statement should contain need to be produced. This includes a brief description of the proposed measure and how this interacts with other government policy and activities; the identification of the potential positive and negative impacts of the measure on children; how the measure promotes or impedes the implementation of the UNCRC; identification of any controversial areas; remedial measures to correct any potential adverse impacts; data gaps, gaps in expertise, the views of children and opinions of how best to proceed.
- *Clear allocation of responsibility* for child impact statements is vital. It is not recommended that the Government formally or informally requires all departments to produce such statements on proposed policy. This, it is believed, would result in either child impact statements not being done at all or becoming tokenistic and likely to be ignored. Ideally, child impact statements should be the responsibility of three bodies: a Minister or Unit to ensure that civil servants conduct child impact statements on a routine basis; a Commissioner for Children who could monitor this process; and a Parliamentary body to receive the child impact statements and work to hold the Government accountable for its actions on children. Whatever structure is put in place, it is essential that it has sufficient political power to have influence on the Cabinet and over some of the most relevant departments.
- *Child impact assessment* should be carried out at all stages of policy-making. It needs to be part of the development of policy at an early stage, Parliamentary or other formal considerations, and adoption and any follow-up or evaluations.
- *To ensure objectivity and credibility*, child impact statements should be both integral to Government and have sufficient independence. Therefore, while civil servants should be the primary authors of the child impact statements, the process should also involve others who have experience, expertise or opinions on the matter in hand. Civil servants work within a given framework, with limits on potential funding and little or no contact with NGOs, community groups or children and young people themselves. External organisations may start from the perspective of the child, but lack access to and often knowledge of the policy-making process. Experts may have expertise in one particularly relevant area, but not be sufficiently aware of how policy might impact on children. Ideally, therefore, all three types of knowledge and experience should have a role in developing child impact statements.
- *Child impact statements* should encompass interacting policies. While it is important to address the main policy proposal being child-proofed, all policy is developed in the context of other existing or planned policies and this should be reflected in the child impact statement.
- *Follow-up of child impact statements* should be undertaken externally by concerned bodies and/or internally by Government.

The 1998/99 second round of child impact statements, now called assessments, reinforced many of the lessons from the 1997/98 first round and also highlighted a number of additional issues. In the report by Payne (2000), attention is repeatedly drawn to child impact statements as a process, not as a once-off event. The need for data and evidence-based judgements, as well as the participation of children, is highlighted. The report suggests that *a child impact statement of*

*compatibility* should be published alongside each new Bill. A compatibility statement in respect of the European Convention on Human Rights is already issued with new Bills. To do likewise with the UNCRC would show commitment to implementing the Convention.

The NCB project on child impact statements came to an end in 2000. However, the NCB continued to carry out child impact statements on a small number of Bills (see [www.childpolicy.org.uk](http://www.childpolicy.org.uk)). In addition, the NCB embarked on a new project funded by the Nuffield Foundation, to run from October 2004 to September 2006. It will produce up to four child impact assessments on legislative proposals, White Papers, Green Papers and the Budget in each year. One of the most significant outputs from this project will be a model for child impact assessment for the new Directorate of Children and Young People and the Children's Commissioner in England. Each child impact assessment will involve a clause-by-clause analysis of the proposals as they relate to existing provisions and likely impact on children and young people, a substantive scrutiny of the Bill in terms of its relationship to other legislation and policy, and consultation seminars with key stakeholders, including academics, practitioners and government officials (*for further details, see [www.ncb.org.uk](http://www.ncb.org.uk)*).

### **UK Checklist for Children**

At local level in the UK, the Association of Metropolitan Areas (which represents 36 metropolitan district councils, 31 London boroughs and the City of London) together with the Children's Rights Office have produced a *Checklist for Children* to assist these local government bodies in implementing the UNCRC (Association of Metropolitan Areas/Children's Rights Office, 1995). While many local authorities are working positively on children's issues, and all are required to produce Children's Service Plans and Children Act under-eights service reviews, many lack a rights-based approach to children.

The *Checklist for Children* was developed as a template to help local authorities address this issue and to assist them in drawing up plans and strategies in line with the UNCRC (see *Appendix 5*). Accompanying the checklist are examples of how the work of the authorities might be reflected in areas such as corporate planning, the environment, providing and supporting education, and supporting children in trouble with the law. All of these broad categories are then broken down into smaller functional areas (e.g. under the heading of education, overseeing the education curriculum and education for those with disabilities and special needs) and guiding principles to which the relevant Articles of the UNCRC are attached. Following this section is an example of how the checklist might be applied. Where authorities find that they have no data with which to answer the questions posed, it is anticipated that they would address these data gaps as necessary.

While not an exhaustive form of child impact assessment, this checklist presents another model of child-proofing. In particular, it recognises the key role that local government authorities play in the lives of children and the need for this to be reflected in their approach to policy and service provision. It also recognises the relative newness of a children's rights approach to policy and services delivery, and the need for those involved at local level to be given time and guidance to develop their capacity in this area.

### **Summary**

Child impact assessment is not a common practice. Only three countries could be identified where it is a part of the policy landscape – Sweden, Flanders and England. It is acknowledged that this report may be hampered by the lack of materials in English from some countries, particularly Nordic countries. Where child impact assessment is found, however, its relative newness is evident both in the procedures used and the problems encountered and acknowledged by those involved. From an Irish perspective, the experience of the countries studied is invaluable in considering the introduction of child impact assessment in Ireland.

# **6 DEVELOPING CHILD IMPACT STATEMENTS IN IRELAND: CONCLUSIONS AND RECOMMENDATIONS**

As stated in the Introduction to this report, Ireland's National Children's Strategy makes a commitment to the development and implementation of a system of child impact statements. In seeking to meet this commitment, it is important that the Minister for the Office of Children (OMC) learns from the experience of various policy impact and proofing mechanisms and processes already in place in the Irish context.

Ireland currently has a number of policy-proofing and impact assessment mechanisms and processes relating to poverty, health, environment, equality, gender and regulatory change. In some instances, these mechanisms and processes have led the way to change at the broader EU level; in others, they have come about as a result of the requirements of the EU institutions. The 2004 Government White Paper on the introduction of regulatory impact assessment (RIA), entitled *Regulating Better*, reflects this development (Government of Ireland, 2004). It is also important that the experience of those countries where child impact statements are currently conducted should be considered carefully when making decisions about introducing child impact statements in Ireland. This chapter draws together the key lessons from these arenas and makes some recommendations to the OMC as a way of progressing this development.

## Common features of impact assessment models

All of the impact assessment and proofing processes outlined in Chapters 3, 4 and 5 share a number of key features of current models of impact assessment. These are as follows:

- **Screening:** A screening or filtering process is common to all of the impact assessment procedures outlined in Chapters 3, 4 and 5. While proofing every policy, strategy, programme, project and law for its impact on poverty, equality, health, the environment, etc. may be the ideal, the administrative burden of this makes it untenable. Impact assessment seeks to look at policies, etc. that are likely to have 'significant' or 'substantial' effects on children, or in the case of Flanders a direct affect. How this is defined is left largely to those responsible for undertaking the impact assessment. This has led to some concerns that policies that are not directly aimed at the target group or issues in question are overlooked or dismissed as being of little relevance. The need for a clear and transparent method of screening is therefore required. In the case of child impact statements in Ireland, the National Children's Strategy recognises that screening is necessary by stating that these are only carried out '*where relevant*'.
- **Scoping:** Scoping focuses on the identification of the main aspects of the policy, programme, etc. that should be subjected to in-depth assessment in respect of children's lives. In doing so, it should highlight specific issues or groups that will be affected by the proposal and the tasks that need to be undertaken in assessing its potential impact. It should set out the methods, data and information that will be used. These exercises serve to clarify the potential impacts of the proposal and how they can be assessed. In child impact statements, it would be important that this scoping takes account of the *whole child perspective* and of the variety of roles filled by children, as well as the various circumstances in which these are enacted. For example, consideration should be given to the effect of the proposal on children as family members, as pupils, as friends and playmates, as consumers and as citizens.
- **Core questions:** Each of the proofing exercises identifies key questions to be answered in the impact assessment process. These include: (i) what are the objectives of the policy? (ii) what are the likely positive or negative impacts of the policy on the relevant target groups or issues? (iii) what are the alternatives that might ameliorate the negative impacts of the policy or strengthen its positive impacts? (iv) what data or information is there to support the assessment? (v) what, if any, new data is required? (vi) what consultative exercises should be undertaken to inform the policy and/or the assessment? A coherent set of questions that can be adapted to various policy domains will need to be developed for child impact statements.
- **Appraisal or implementation:** This is understood to mean the actual implementation of the impact assessment methods to appraise the potential impact of the policy. The methods used should be clearly explained and justified, and be appropriate to the specific policy or context.

- **Identification and/or development of alternatives:** In all proofing or impact assessments, the identification of alternative policy options is raised. The potential impact of these alternatives and how they redress any shortcomings in the original policy proposal should be clear. It is important that alternatives are properly supported by data and information.
- **Consultation with stakeholders:** Almost all impact assessment processes recommend consultation with key stakeholders. This has particular implications in the case of children. The National Children’s Strategy promotes the active involvement of children in issues which affect their lives, and the involvement of their representatives where they are too young or not capable of formulating views for other reasons. It is important to note that the purpose of child impact statements is to support the development of policy in a way that recognises the vulnerability of children. In situations where the proofing is undertaken only at the end of the process, it is unlikely to have influence on the development of the policy. Questions also arise in respect of demarcation between consultation and proofing. In some instances, policy-makers perceive consultation as having the possibility of influencing policy design and regard policy-proofing as a checking mechanism, but not one which allows for the renegotiation of policy. These views are clearly related to the point in the policy-making process at which the proofing exercise is undertaken and who is involved in it, but this issue needs to be addressed to prevent all stakeholders from misinterpreting and becoming frustrated with the process.
- **Reporting and presentation:** All proofing and impact assessment mechanisms produce some form of report and guidance is available on the contents of these. Generally, these reports should describe the policy being assessed, including the problem or issue it is to address; present the rationale for the impact assessment and outline its methodology; and present the results of the assessment and any alternatives or alterations advised. Reports should attempt to do this in as clear and concise a way as possible without sacrificing essential aspects of the assessment. The inclusion of a non-technical summary is also advised.
- **Monitoring and evaluation:** Monitoring and evaluation should take place at two levels. First, evaluation needs to take place at the level of the impact process itself and make overt the ways in which the policy development was influenced by the impact assessment process. It is only by undertaking such evaluation and documenting it that lessons can be learned and shared. This is particularly important in the early days of the development and implementation of impact assessment processes, where the effectiveness of the process itself needs to be evaluated.  
Evaluation must also take place at the level of the initiative proposed in order to assess the actual impact of the policy once it becomes operational. This will show whether or not the potential impacts of the original policy or any alternatives adopted are those that were anticipated by the assessment. This should be a formative process that allows intervention at various points of the implementation and a policy review process that may effect positive change for the target group.
- **External support:** Almost all of the impact assessment processes reviewed were supported by (predominant) specialist support agencies, with expertise in the relevant areas.
- **Early intervention:** This is necessary because it is at the early stages in the policy design process that the opportunity to effect change is greatest.

These common features highlight the detailed and often complex nature of *ex-ante* impact assessment if it is undertaken rigorously. The introduction and implementation of child impact statements will need to address and develop appropriate supports in each of these areas. Very significant resources will be required to undertake this work. In light of this, the key question facing the OMC is whether or not the investment of a high level of resources in child impact statements is warranted at this time? The remainder of this chapter addresses this question in as far as is possible in light of the materials reviewed above and the interviews with policy-makers and others undertaken for this study.

## Key issues arising in introduction of Child Impact Statements

The rationale for paying particular attention to children in the formulation of policy has been clearly articulated. As outlined above, this includes the fact that children are a particularly vulnerable group, who feel the impact of policy decisions more than other sections of the population. Most significantly, perhaps, children are politically disenfranchised and therefore rely on adults to formulate and implement policy on their behalf. The introduction of a system of child impact statements or child-proofing may potentially address these issues and result in decisions that will improve children's lives.

A number of key issues arise in relation to the introduction of such a system and have been referred to in the previous chapters. These include the need to establish a basis for child impact statements; the need for highly developed screening and scoping mechanisms; the provision of training and support for civil servants and others in carrying out child impact statements; securing the participation of children; and establishing a support structure. However, a small number of more fundamental issues arise and the following discussion is devoted to these.

### Does ex-ante policy impact assessment work?

One key issue emerges over all others in considering the introduction of child impact statements as one of the principal means to bring about positive change in children's lives. Policy-making is a complex and complicated process, involving many different elements, stakeholders and influences. It is clear that policy-making changes according to the context within which it is developed and, consequently, singling out any individual influence such as proofing is unquestionably methodologically difficult. It is not surprising, therefore, that there is currently a lack of concrete evidence from either at home or abroad that policy-proofing or impact assessment in relation to children or other groups has demonstrably changed the policy itself.

In Ireland, most policy-proofing and impact assessment mechanisms (on equality, integrated equality and poverty, health, rural and regulatory) are at a relatively early stage of development and thus it may be premature at this time to try and evaluate their effectiveness in bringing about policy change. Internationally, evaluations of impact assessment have tended to focus on how easy the assessment instrument or tool is to use, the extent to which these tools are used and how the policy, programme or strategy ultimately affects the beneficiaries or target groups, rather than evaluating the effect of the impact assessment process itself.

An initial review of the National Anti-Poverty Strategy (NAPS), for example, indicated that poverty-proofing had increased awareness of poverty among policy-makers, embedding considerations of poverty in the administrative system and increasing inter-departmental links (Johnston and O'Brien, 2000). In respect of the more difficult question of a direct relationship between proofing and policy-making, the findings in this study were less clear and evidence did not emerge of such a relationship. In 2005, the Office of Social Inclusion within the Department of Social and Family Affairs undertook a review of poverty-proofing and it may be that this review will provide greater clarity on this issue. These questions, however, also remain in other areas, where despite considerable investment of human and other resources, such as the production of guidelines, tools and indicators, the evidence remains elusive.

With specific regard to the success of child impact statements, there is again little evidence of their effectiveness in bringing about positive change in children's lives. In Sweden, the lack of evaluation of child impact assessment in changing policy or provision is seen as one of the key weaknesses in this method. In Flanders, where child impact reports are governed by legislation, the key weakness identified is that, although civil servants are required to produce impact reports, legislators and politicians are not required to consider or act on them. Again, however, little is known about the extent to which child impact reports have resulted in positive policy changes.

In light of this, the key question facing the OMC at this stage is whether or not it should invest considerable resources in what is essentially an unproved method in terms of its key objective – to improve the lives of children in Ireland through better policy. In answering this question, a number of other issues should also be addressed since they are essential in considering the introduction of a system of child impact statements in Ireland.

## Adding children to the list of policy-proofing

The range of issues against which Irish policy-makers are now asked to assess their policies is quite substantial. Adding children to the list may be interpreted as just another item and thus runs a high risk of being seen as burdensome and placing yet more administrative or bureaucratic tasks on the system. This was raised as an important concern in interviews undertaken during the course of this research. Linked to this issue is the expectation that child impact assessment will be prepared by civil servants. This approach is considered to be essential if policy impact assessment is to be embedded within the policy-making structures and a sense of ownership of the process fostered. It must be borne in mind that civil servants in Ireland are expected to have a general knowledge of a wide range of issues. In particular, it is unlikely that all will have the required level of understanding of the National Children's Strategy and the 'whole child' perspective in order to translate them into policy and provision.

To be effective, policy impact assessment relating to children or any other target group should be embedded within the broader frame of monitoring and evaluation. The five general functions of *project monitoring and evaluation* are summarised by Albee (1999) as:

- project management and planning;
- organisational strengthening or institutional learning;
- understanding and negotiating stakeholder perspectives;
- public accountability;
- impact assessment.

Although referring to project impact assessment, these five functions can equally be applied to *policy impact assessment*. They illustrate the manner in which impact assessment should form part of a broader context of policy monitoring and evaluation, which ultimately leads to improved policy-making.

## The issue of data

Almost all of the proofing exercises in Ireland raise the issue of the lack of relevant data, especially the lack of disaggregated data. With regard to children, this issue is particularly pertinent since children are excluded from many social surveys or are counted only as members of families or households. Research being commissioned by the OMC will contribute significantly to our knowledge of children: the development of child well-being indicators and the forthcoming longitudinal study are especially relevant in the context of child impact assessment. The *child well-being indicators* could potentially provide, or significantly contribute to the development of, a basis for child impact assessment in terms of both the UNCRC and national policy goals. Monitoring of progress on these indicators could also support the analysis of how broad policy areas (such as education, health and income support, as well as more specific policies and provision) contribute to the well-being of children. In addition, the development of the longitudinal study provides an opportunity to fill in a number of gaps in our knowledge of children that will prove vital in the assessment and evaluation of policy, strategies, provision, etc. Consideration should be given in the design of this study to capturing information that can provide evidence of how policy and services affect children over a substantial period of time. However, given that this study is in the developmental and planning stages, it will be some time before additional data from this source becomes available.

While of considerable importance, these OMC studies cannot be expected to fill all the gaps in our knowledge about children's lives. The current procedures for the collection, collation, analysis and dissemination of administrative data on children should be closely examined in order to determine what gaps could, and should, be filled. This relates to information pertaining directly to children as individuals, as in the case of education statistics, or as dependants of adults, as with social welfare or health data. In addition, the scope for using existing data collection instruments, such as the Central Statistics Office's *Quarterly National Household Survey*, should be investigated. Service delivery organisations can often provide data on particularly vulnerable groups of children, such as those living out of home and Traveller children, and contact with relevant organisations should be made.

While these avenues may prove fruitful in providing data on children, a number of difficulties also arise. Many administrative records remain trapped in unwieldy data storage systems that can be accessed by only a small number of people. Many do not disaggregate data in a way that will allow children or specific groups of children to be readily identified. The addition of child-related modules into existing national surveys will require considerable expertise in questionnaire design and the administration of this and the achievement of actual data for analysis may take considerable time. This may make these data options particularly unsuited to *ex-ante* policy assessment. Finally, the collation and analysis of information from a variety of sources, such as expert groups or surveys, adds to the administrative burden of conducting child impact statements.

The issue of data on children goes well beyond the implementation of child impact statements and has been recognised by others, most recently by the Department of An Taoiseach in its report on the introduction of RIA (Government of Ireland, 2004). However, the known absence of appropriate data will hamper the introduction of child impact statements and, most probably, be a source of considerable frustration among those required to carry them out.

### **Legislation and sanctions**

Most policy impact assessment in Ireland is not governed by legislation. One outcome of this is that while policy-makers are encouraged to proof their policies, there is no legal obligation on them to do this and no sanctions are applied if they do not. Further, there is no onus on decision-makers to take account of impact statements or proofing in situations where it has taken place. A number of people interviewed for this study favour the introduction of legislation and sanctions in relation to child impact statements and other forms of policy-proofing and impact assessment.

There is no evidence that legislating for these processes results in better quality impact assessment. In fact, the opposite may well be true and impact assessment may become a bureaucratic requirement that truly becomes a 'tick box' exercise. Experience in Flanders, for example, seems to indicate that while child impact reports are attached to each draft Act, the quality of these may be poor and there is little evidence that politicians take account of them. The introduction of sanctions, primarily in the form of withheld financial resources, does not necessarily solve this issue – sanctions may guarantee compliance, but not quality.

Nonetheless, if child impact statements are introduced, establishing where the 'burden of proof' lies will be critical. At present, most commentators on policy impact assessment share the view that there is little evidence of proofing being carried out systematically in a way that changes policy. It may be that policy-proofing is being used to justify or support policy decisions that have already been made. In light of this, consideration should be given to the introduction of what the Swedish model of child impact assessment refers to as the 'burden of proof'. Here, the onus is placed on the relevant authority to prove that it has undertaken an assessment of appropriate depth and quality, that the best interests of children have been considered and that the policy options chosen are justified. This has obvious repercussions for the support agency designated with responsibility to develop and implement child impact statements in Ireland, as well as those charged with carrying them out. This 'burden of proof' could be extended to providing evidence that child impact statements actually led to changes in draft policies where appropriate, thereby providing the type of evidence that is currently missing from many of the existing policy-proofing exercises carried out in Ireland.



## Recommendations

In light of the foregoing conclusions, the following key recommendations are made to the OMC in considering the next steps in relation to the development and implementation of child impact statements.

### ***Recommendation 1: Further consideration of the introduction of Child Impact Statements***

Although a commitment to the development and introduction of child impact statements is given in the National Children's Strategy, this research indicates that this is not necessarily the most effective or efficient way in which to bring about positive policy change in favour of children. Although this report focused on policy impact assessment and proofing as methods to bring about policy change, there may potentially be a number of alternative means of having children's rights and needs better reflected and taken into account in policy. Given the focus of this study, no firm recommendations in relation to these can be made. However, some consideration could be given to the use of existing policy monitoring mechanisms, such as the RIA and NAPs/incl process, as interim methods through which an assessment can be made of the extent to which the particular needs of children are or are not being met through policy and provision.

### ***Recommendation 2: Continuation and development of evidence-informed policy-making***

The OMC adopts an evidence-informed approach to the development of policies relating to the implementation of the National Children's Strategy through the provision of direct research support and commissioned work. It is suggested that this type of approach supports the best interests of the child and may have transferability to other areas.

### ***Recommendation 3: Build on ongoing developments***

It would be prudent at this time to await the findings from developments taking place in Ireland and a number of other jurisdictions. These include:

- the review of poverty-proofing by the Office for Social Inclusion, Department of Social and Family Affairs, Dublin;
- work being undertaken by the Children's Law Centre, Belfast;
- the National Children's Bureau in England regarding the development of a new model of child impact statements;
- Scottish Children's Office.

The OMC should establish formal contact with these groups to ensure learning takes place in respect of these developments.

### ***Recommendation 4: Field testing if appropriate***

Following an assessment of the developments outlined above, it may be possible to undertake a pilot test around an agreed model and its refinement over a period of time. It would be vital in this phase that a variety of policies are assessed and that particular attention would be paid to (i) policies that do not have children as their primary target; and (ii) the differential effect of policies aimed at children or specific groups of children, particularly those experiencing poverty and disadvantage. In particular, this pilot should evaluate and monitor the extent to which the child impact statements have influenced the development of the policy in question.

These four recommendations are central in considering whether or not and how the OMC should proceed with respect to the development and implementation of child impact statements. Following consideration of each of the recommendations, other issues would also need to be taken into account if child impact statements were to become a mainstream activity in policy-making. These include issues such as the development of a realistic work plan for the short, medium and long term; the development of a simple and flexible model; the need for support materials and for working with personnel in the various departments; securing high-level political commitment; linking with other Irish agencies involved in policy-proofing and impact assessment; adopting a participative and inclusive approach; exploring the possibility of external technical support; identifying data and data gaps; and visiting other countries where child impact assessment is undertaken.

## Concluding remarks

There is now a growing tendency in Ireland to attach policy-proofing or impact assessment to all areas of policy and target groups as a mechanism for improving policy and services for various groups by making their needs and perspectives a part of the considerations of policy-makers. In this vein, improving the lives of children through better policy and provision is the key objective of child impact assessment. To date, the debate has centred around the process through which proofing can take place and there has been little focus on the impact of such an activity on the policies it is intended to influence. This may well be due, in some instances, to the early stage of development of a number of impact assessment procedures. The indirect effects of policy-proofing through increased awareness and sensitisation to particular groups and issues have been demonstrated, although the link between these effects and better policy-making is not yet known. To proceed with child impact statements in this environment would seem to be premature at this point and it is concluded here that further consideration of ongoing developments in other areas and jurisdictions should be taken into account prior to proceeding. In the event that child impact statements become a mainstream activity, there is substantial material within the body of this report to support good practice in respect of their implementation.

The existing policy and research work of the OMC can contribute to policy debates through existing fora, such as the RIA and NAPs/incl process. Alternatives to child impact statements may exist and some resources could usefully be devoted to considering and examining these before the substantial resources necessary to develop an effective system of child impact statements are allocated to this exercise.

Perceptions of children have changed in Ireland in the past two decades. The very existence of the National Children's Strategy and the emergence of a child's rights approach is evidence of this. Nonetheless, national policy in many areas does not currently reflect a view of children as individuals with specific needs and rights. In addition, although children are defined by their age, to think of them in terms of age differential alone is not enough. The heterogeneity of children as a group needs to be recognised - including their different socio-economic circumstances, their different religious and cultural backgrounds, their varying physical and intellectual ability, and rapidly changing family structures. Recognising this heterogeneity as well as the adoption of a rights-based approach will require a significant change in policy thinking and this will take considerable time to achieve. The challenge now is to find the most appropriate tool for achieving improvements in children's circumstances and experiences through effecting changes in policy.

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# **APPENDIX 1: EUROPEAN COMMISSION GUIDELINES ON PRELIMINARY AND EXTENDED IMPACT ASSESSMENTS**

*Source:* European Commission (2002b)

## PRELIMINARY IMPACT ASSESSMENT

### Reporting format (mandatory)

(Not to exceed two pages)

Name of the proposal – lead DG – associated DGs

#### 1. PROBLEM IDENTIFICATION

Describe the problem that the policy/proposal is expected to tackle:

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#### 2. OBJECTIVE OF THE PROPOSAL

What is the overall policy objective in terms of expected impacts?

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#### 3. POLICY OPTIONS

What policy options are available to reach the objective? What range of alternatives will be considered?

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How have the principles of subsidiarity and proportionality been taken into account?

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#### 4. IMPACTS – POSITIVE AND NEGATIVE

On a preliminary basis, what are the likely positive and negative impacts of the selected options, particularly in terms of economic, social and environmental consequences? Who would be affected?

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#### 5. FURTHER ANALYSIS

What further analysis is proposed?

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Is a consultation planned? On what basis?

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#### 6. FOLLOW-UP

Is a formal extended assessment recommended? Justification if not?

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## Instructions:

Because this is a *preliminary* assessment, you should keep it short. **You should complete the assessment using existing information and knowledge.** It is better to give a range of possible impacts, or a qualitative assessment of the likely direction and size of change, than to give exact figures when the underlying information does not really support them.

## Guidance on how to answer the questions in each of its sections follows:

### Section 1: Problem identification

You should briefly describe the problem in terms of its economic, environmental and/or social impacts, both within and outside the EU, including developing countries. You should show why it is a problem, and state who or what is affected by it. Part 2 of the guide gives more guidance on these issues.

### Section 2: Objective of the proposal

Unless you have enough information to support a detailed, quantitative objective, you should limit yourself to quite general statements about tackling the problem. For example, the objective at this stage might be 'reduce over-fishing' or 'restore fish stocks to sustainable levels'. For more on setting objectives, see Part 2.

### Section 3: Policy options

Sometimes, even at this early stage, the nature of the problem and its causes may point strongly to a particular type of policy response. In other cases, your choice may be less clear-cut. The important thing is to keep an open mind, and not to eliminate potentially effective ways to tackle the problem just because you are unfamiliar with them or because they may appear to be more difficult to put in place. See Part 2 and Annex 3 for more guidance on policy instruments.

Throughout this process, you must always keep in mind that the Commission has an obligation to respect the principles of subsidiarity and proportionality. That means you should check if a Community initiative/action is needed in this area to compensate for lack of results at national level. You should also assess the non-regulatory and legislative options in order to choose a proportionate response. The subsidiarity analysis is specifically required for the proposals made in areas of joint competencies, while the proportionality assessment applies to both exclusive and joint competencies.

### Section 4: Impacts – positive and negative

You should **consider a wide range of possible economic, environmental and social impacts**, keeping in mind that interventions can have unintended impacts. Taking this broad view can help to identify possible spillovers and may point to the need to adjust the proposal or to propose mitigating measures. It reduces the risk of unnecessary delays to the proposal later on because some important issue has been overlooked. You should also try to identify **who** is affected and **when** the different impacts will occur. For details, see Part 2 and the list in Annex 5.

### Section 5: Further analysis

Depending on the proposal, you may consider it necessary to:

- deepen your analysis of the cause(s) of the problem;
- refine the objectives;
- further analyse alternative policy options;
- make more detailed and quantified estimates of their impacts;
- define indicators and arrangements to monitor and evaluate the impacts of the proposal once it has been implemented.

You should state whether any further consultation is planned. As far as possible, you should include information on the target groups that are going to be consulted, the purpose and the mode of consultation, and the work involved.

### Section 6: Follow-up

You should state whether the proposal needs an extended impact assessment and explain why.

## EXTENDED IMPACT ASSESSMENT

Reporting format (illustrative)

Name of the proposal - lead DG - associated DGs

- 1. WHAT ISSUE/PROBLEM IS THE POLICY/PROPOSAL EXPECTED TO TACKLE?**
  - What is the issue/problem in a given policy area expressed in economic, social and environmental terms, including unsustainable trends?
  - What are the risks inherent in the initial situation?
  - What is (are) the underlying motive force(s)?
  - What would happen under a 'no policy change' scenario?
  - Who is affected?
- 2. WHAT MAIN OBJECTIVE IS THE POLICY/PROPOSAL EXPECTED TO REACH?**
  - What is the overall policy objective in terms of expected impacts?
  - Has account been taken of any previously established objectives?
- 3. WHAT ARE THE MAIN POLICY OPTIONS AVAILABLE TO REACH THE OBJECTIVE?**
  - What is the basic approach to reach the objective?
  - Which policy instruments have been considered?
  - What are the trade-offs associated with the proposed option?
  - What 'designs' and 'stringency levels' have been considered?
  - Which options have been discarded at an early stage?
  - How are subsidiarity and proportionality taken into account?
- 4. WHAT ARE THE IMPACTS – POSITIVE AND NEGATIVE – EXPECTED FROM THE DIFFERENT OPTIONS IDENTIFIED?**
  - What are the expected positive and negative impacts of the options selected, particularly in terms of economic, social and environmental consequences, including impacts on management of risks? Are there potential conflicts and inconsistencies between economic, social and environmental impacts that may lead to trade-offs and related policy decisions?
  - How large are the additional ('marginal') effects that can be attributed to the policy proposal, i.e. those effects over and above the 'no policy change' scenario? Description in qualitative terms and quantified as far as possible. Monetisation may be used where appropriate.
  - Are there especially severe impacts on a particular social group, economic sector (including size – class of enterprises) or region?
  - Are there impacts outside the Union on the Candidate Countries and/or other countries ('external impacts')?
  - What are the impacts over time?
  - What are the results of any scenario, risk or sensitivity analysis undertaken?
- 5. HOW TO MONITOR AND EVALUATE THE RESULTS AND IMPACTS OF THE PROPOSAL AFTER IMPLEMENTATION?**
  - How will the policy be implemented?
  - How will the policy be monitored?
  - What are the arrangements for any *ex-post* evaluation of the policy?
- 6. STAKEHOLDER CONSULTATION**
  - Which interested parties were consulted, when in the process, and for what purpose?
  - What were the results of the consultation?
- 7. COMMISSION DRAFT PROPOSAL AND JUSTIFICATION**
  - What is the final policy choice and why?
  - Why was a more/less ambitious option not chosen?
  - Which are the trade-offs associated to the chosen option?
  - If current data or knowledge are of poor quality, why should a decision be taken now rather than be put off until better information is available?
  - Have any accompanying measures to maximise positive impacts and minimise negative impacts been taken?

## **Instructions:**

The 'Extended Impact Assessment Report' will be part of the interservice consultation on the proposal and will be made public when the Commission adopts the proposal. The report should describe the results of the impact assessment and **justify the choice made in the Commission's proposal**.

The report should follow the format given in these guidelines, answering the questions so that a reader can follow the logic of the proposal's development and understand why a given option was chosen. Pages 25 and 27 of Part 2 – Reference Manual – give further guidance on how to complete the sections.

It is possible to use the structure of the Extended Impact Assessment Report as a **basis for reporting analysis internally** throughout the impact assessment process. It is not, of course, possible to write Section 7 on the 'Commission Proposal and Justification' until after the Commissioner has made a choice.

### **What issue/problem is the policy/proposal expected to tackle?**

You should analyse the problem and its underlying causes in detail and, in particular, identify the different groups affected (*see Section 1 of the Reference Manual*). You should identify any potentially unsustainable trends and, in particular, potential inconsistencies between the economic, environmental and social dimensions of the problem. The baseline scenario should aim to quantify how the situation will develop if no action is taken.

### **What main objective is the policy/proposal expected to reach?**

The general objectives you identified in the preliminary assessment should be expressed more precisely (*see Part 2, Section 2*). If relevant, you should show how these objectives relate to any previously established objectives in the same policy area or in other areas, including the policy objectives set out in the **Commission's proposal for an EU sustainable development strategy**.

### **What are the main policy options available to reach the objective?**

You should show how the options you have selected are better than those you have rejected. This should make it clear how the options proposed will achieve the objectives of the proposal while satisfying the requirements of subsidiarity and proportionality, keeping in mind what kind of competencies you are dealing with (exclusive or joint). For example, the proposal should rule out any provisions that go beyond the Community competencies, or any illogical, superfluous or excessive constraints on the national, regional or local authorities. You should also explain how the options perform in an efficient, effective and consistent manner (*see Part 2, Section 3*).

### **What are the impacts – positive and negative – expected from the different options identified?**

You need to show in detail the economic, environmental and social impacts of your proposal. You should aim to quantify the impacts wherever possible. Uncertainties about the scale of impacts, including the sensitivity of the results to changes in important variables, should also be reported. You should clearly describe any potential conflicts or trade-offs between different policy areas, and highlight any particular adverse impacts on specific social groups, sectors or regions, including impacts outside the EU, such as in developing countries. You should also look at factors that could impact on compliance with the proposal. More detail on these issues is in Part 2, Section 5.

### **How to monitor and evaluate the results and impacts of the proposal after implementation?**

You should describe the arrangements for monitoring the implementation of the proposal and its impacts. You should define the indicators that will be used, and how the information needed will be collected. You should specify the procedures for evaluating the proposal, including the timing of the evaluations, their focus and responsibility for their organisation. Finally, you should explain how the outcome of monitoring and evaluation would feed back into policy. See Part 2, Section 8 for further material on monitoring and evaluation.

### **Stakeholder consultation**

This section should summarise any consultations held – how they were organised, who was invited to take part and what views were expressed. You should indicate how the consultation influenced

the development of the proposal and any remaining critical or dissenting opinions.

### **Commission draft proposal and justification**

This section cannot be completed until the Commissioner(s) decide the form the proposal should take, and it cannot be fully finalised until the full Commission has adopted the proposal. See Part 2, Section 6 for details.

If the options assessed involved trade-offs between economic, environmental and social impacts, you should set out the reasons for choosing one option over the others.

### **Presenting the results to the College**

Impact assessment does not necessarily generate clear-cut conclusions or recommendations regarding the final policy choice. However, as an important aid to decision-making, **the results need to be presented in a transparent and comprehensible way** to provide the basis for a political discussion on the relative advantages and disadvantages of the relevant options.

### **Responsibility for the final policy choice always lies with the Commissioners.**

In presenting the analysis, it is good practice for you to:

- present all options, rather than a single 'take it or leave it' choice. Highlight the differences in impacts between each option, and between more or less ambitious variants of the same option;
- give a clear and transparent summary of the positive and negative impacts of each option, that is, the benefits and costs to society. Impacts should be given in qualitative, quantitative and monetary forms where possible and be proportionate;
- display aggregated and disaggregated results. For example, the results of a cost-benefit analysis should never be shown solely as the net difference between costs and benefits, but should always show the individual impacts which make up the net outcome;
- state clearly any critical assumptions and uncertainties;
- show clearly any distributional effects;
- show how each option compares against the criteria of efficiency, effectiveness and consistency;
- summarise the other policy issues (stakeholder consultation, problem identification, etc);
- describe the data used, explaining why one set of data was preferred over another, whether the information has been validated, and what are its strengths and shortcomings;
- indicate the analytical methods used.

The advantages of this process to the decision-maker are that it:

- **highlights trade-offs** between affected groups and/or between the economic, environmental or social impacts, as well as any win-win situations associated with the options;
- helps to **improve the design** of options in order to minimise trade-offs and maximise win-win situations;
- **identifies accompanying measures** needed to mitigate disproportionate negative distributive effects.

# **APPENDIX 2: WORLD BANK SUMMARY MATRIX FOR POVERTY AND SOCIAL IMPACT ANALYSIS**

*Source:* World Bank Poverty Reduction Group and Social Development Department (2003)

**REFORM**

1. What reform was chosen (major components) and why?

2. What are the institutional mechanisms through which the reform will be carried out?

3. Which stakeholders are likely to be affected by the reforms? Which stakeholders are likely to affect the reforms and how?

4. Through which channels are stakeholders affected?

5. What are the expected direction and order of magnitude of impact(s)? What are the underlying assumptions?

Labour market	Prices	Access to goods and services	Assets	Transfers and taxes
---------------	--------	------------------------------	--------	---------------------

Stakeholders affected (positively and negatively):

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Stakeholders with significance influence over the reform:

Possible support or opposition:

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What information basis and techniques were used to answer questions 3, 4 and 5?

6. What are the main risks that would change the expected impact of the reform? What are their likelihood and expected magnitude?

Type/Nature of risk	Likelihood	Expected magnitude
Political economy risks:		
Exogenous shocks:		
Institutional risks:		
Other country risks:		

7. What impact has the analysis had on national policy discussion?



# **APPENDIX 3:**

## **EXAMPLE OF GENDER IMPACT ASSESSMENT FORM**

**to be completed at the  
Programming Complement  
Stage of the NDP**

*Source:* [www.ndpgenderequality.ie/downloads/gender\\_impact\\_assessment\\_forms.doc](http://www.ndpgenderequality.ie/downloads/gender_impact_assessment_forms.doc)

**STEP ONE:**

**Outline the current position of men and women in the area which this expenditure activity will address.**

**Who are the current beneficiaries of this area of expenditure activity?**

**(Beneficiaries include users of the facility, or participants.)**

*The marine leisure sector encompasses not only the active pursuits, such as water sports, boating and angling, but also passive pursuits, such as visits to beaches, swimming in the sea, coastal touring, pleasure boats and cruising, nature tourism, aquaria, maritime museums, etc.*

**How many are women? \_\_\_\_\_ How many are men? \_\_\_\_\_**

*A 1996 ESRI survey suggested that 57% of males and 54% of females participate in some marine leisure activity, but participation is higher for males in all activities, except for trips to the beach, and is significantly higher in the areas of angling and water sports.*

**What data source did you use to determine these figures?**

*1996 ESRI survey.*

**STEP TWO:**

**What factors lead to women and men being affected differentially in the area being addressed by this expenditure activity?**

**Identify the factors which lead to the differential impact on women and men.**

- a) *See Step Three below* \_\_\_\_\_
- b) \_\_\_\_\_
- c) \_\_\_\_\_
- d) \_\_\_\_\_

**STEP THREE:**

**How can the factors which lead to women or men being affected differentially be addressed and changed?**

**How can the policy proposal/measure respond to the factors identified in Step 2 above?**

- a) *See below* \_\_\_\_\_
- b) \_\_\_\_\_
- c) \_\_\_\_\_
- d) \_\_\_\_\_

**Where considered appropriate, what actions do you propose in this regard?**

*To promote greater equality of opportunity, the measure will:*

- a) *encompass passive as well as active water-based activities;*
- b) *in its application forms, request a paragraph on gender impact and targeted employment/participation figures on a gender disaggregated basis;*
- c) *in its scoring system, give a high weighting to the provision of facilities for female and family participation, and to community partnership projects;*
- d) *include a representative of women's and community groups on the Project Assessment Committee;*
- e) *take gender representation into account in membership of the Project Assessment Committee.*

# **APPENDIX 4: TEMPLATE FOR CHILD IMPACT REPORTING IN FLANDERS**

*Source:* Expert Commission on Child Impact Reporting (2004)

**1) Has the impact on children and their rights been taken into account when the draft Act was drawn up?**

a) What is the current regulation? What were the effects on children and their rights?

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b) Which changes does the draft make? Which effects on children and their rights are to be expected?

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c) Were alternative policy intentions considered?

Yes  No

Justify your answer.

If yes, which alternatives were considered and why were they not selected?

If no, why were no alternatives considered?

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d) Did this child impact report result in a clearly provable adaptation of the preliminary draft Act?

Yes  No

Justify your answer.

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**2) Analysis of the impact on children and their rights.**

**1. In general**

a) Were the provisions and principles of the [United Nations] Convention on the Rights of the Child explicitly taken into account when the preliminary draft Act was drawn up?

Yes  No

Justify your answer.

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b) Which provisions of the preliminary draft Act contribute to the realisation of the rights of the child as guaranteed by the Convention?

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Justify your answer.

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c) In case the draft Act aims at the approval of an international standard, does the latter contribute more to the realisation of the rights of the child than the Convention?

Yes  No  Not applicable

If yes, indicate which provisions of the draft/Convention are concerned.  
If no, indicate why the preliminary draft is submitted to the approval of the Government in the knowledge that the most strict standard applies.

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## 2. Per policy domain

What is the positive/negative impact on children to be expected in the following policy domains?

What is the difference with the impact on adults? Justify your answer.

‘Policy domain’ does not only refer to the competence of the own minister or administration. By definition, a competence has common grounds with different domains, and it is the intention to map out these common grounds.

If possible, always refer to specific provisions in the preliminary draft.

### a) Positive

Family \_\_\_\_\_

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Housing \_\_\_\_\_

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Leisure activities (game, sport, ...) \_\_\_\_\_

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Health and welfare \_\_\_\_\_

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Mobility \_\_\_\_\_

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Education \_\_\_\_\_

---

Environment \_\_\_\_\_

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Others \_\_\_\_\_

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### b) Negative

Family \_\_\_\_\_

---

Housing \_\_\_\_\_

---

Leisure activities (game, sport, ...) \_\_\_\_\_

---

Health and welfare \_\_\_\_\_

---

Mobility \_\_\_\_\_

---

Education \_\_\_\_\_  
 \_\_\_\_\_  
 Environment \_\_\_\_\_  
 \_\_\_\_\_  
 Others \_\_\_\_\_  
 \_\_\_\_\_

**3. Per basic principle of the Convention**

Do the four basic principles of the Convention, as mentioned below, apply to the preliminary draft Act?

If yes, circle the figure (1 = very little; 5 = very much).

If no, circle NA (not applicable).

Justify your answer with reference to the applicable provisions of the preliminary draft.

**1. The best interests of the child (Art. 3 [UN] Convention on the Rights of the Child)**

- in general:	1	2	3	4	5	NA
<hr/>						
- joint responsibility of the parents:	1	2	3	4	5	NA
<hr/>						
- government's responsibility:	1	2	3	4	5	NA
<hr/>						
- responsibility of the child itself:	1	2	3	4	5	NA
<hr/>						

**2. The right of the child to non-discrimination (Art. 2 [UN] Convention on the Rights of the Child)**

- in general:	1	2	3	4	5	NA
<hr/>						
- respect for the rights of the child, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status:	1	2	3	4	5	NA
<hr/>						
- government's obligation to take all appropriate measures in order to protect the child against all forms of discrimination:	1	2	3	4	5	NA
<hr/>						

**3. The right of the child to life, survival and development (Art. 6 [UN] Convention on the Rights of the Child)**

- in general:	1	2	3	4	5	NA
<hr/>						

– government's obligation to protect the child against ill-treatment by the parents or those who have the care of the child: 1 2 3 4 5 NA

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– government's obligation to take the necessary preventative and curative measures with regard to health care: 1 2 3 4 5 NA

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– right to a decent standard of living: 1 2 3 4 5 NA

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– right to education: 1 2 3 4 5 NA

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**4. The right of the child to participate (Art. 12 [UN] Convention on the Rights of the Child)**

– in general: 1 2 3 4 5 NA

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– right of the child to express its views in all matters affecting the child: 1 2 3 4 5 NA

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– government's obligation to make sure that the views of the child are given due weight in accordance with the age and maturity of the child: 1 2 3 4 5 NA

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– right to access the appropriate information: 1 2 3 4 5 NA

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– right to freedom of association: 1 2 3 4 5 NA

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– right to freedom of thought, conscience and religion: 1 2 3 4 5 NA

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**3) Which information sources did you and/or can you consult?**

a) Tick your answer and justify it.  
If possible, enclose a copy of the viewpoints, articles and excerpts from studies, and/or very clearly mention the date of the consulted documentation.

1. General knowledge (ready knowledge, media, ...)

Yes  No

Justify your answer.

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2. Consultation with the Children's Rights contact point of the administration/institution with functional responsibility and/or co-ordination Children's Rights contact points ([www.wvc.vlaanderen.be/kinderrechten/](http://www.wvc.vlaanderen.be/kinderrechten/))

Yes  No

Justify your answer.

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3. Advice Expert Committee Child Impact Reporting

Yes  No

Justify your answer.

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4. Consultation Office of the Children's Rights Commissioner ([www.kinderrechten.be](http://www.kinderrechten.be))

Yes  No

Justify your answer.

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5. Consultation with children's rights and youth organisations: Kinderrechtencoalitie Vlaanderen (Children's Rights Coalition) ([www.kinderrechtencoalitie.be](http://www.kinderrechtencoalitie.be)); Vlaamse Jeugdraad (Flemish Youth Council) ([www.vlaamsejeugdraad.be](http://www.vlaamsejeugdraad.be)); Steunpunt Jeugd (Youth Centre of Expertise) ([www.steunpuntjeugd.be](http://www.steunpuntjeugd.be))

Yes  No

Justify your answer.

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6. Results of scientific research

Yes  No

Justify your answer.

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7. Inquiry among children and youngsters (e.g. [www.whatdoyouthink.be](http://www.whatdoyouthink.be))

Yes  No

Justify your answer.

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8. Other

Yes  No

Justify your answer.

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#### 4) Miscellaneous

Are there any other considerations that are important for children and their rights, and that mattered when the preliminary draft Act was drawn up, but that have not been dealt with in this child impact report?

Yes  No



If yes, which?

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### 5) Evaluation child impact report (CIR)

- a) Which difficulties have you experienced when drawing up the CIR?

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### 6) Policy conclusion CIR

- a) Will the preliminary draft Act contribute to the observances of the [UN] Convention on the Rights of the Child) in Flanders?

If yes, circle the figure (0 = not at all, quite the contrary; 5 = very much).

If no, circle NA (not applicable).

If it is not known/not clear, circle NK.

0      1      2      3      4      5      NA      NK

Justify your answer.

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- b) Has this CIR resulted in a concrete policy intention and/or decision?

Yes       No

Justify your answer.

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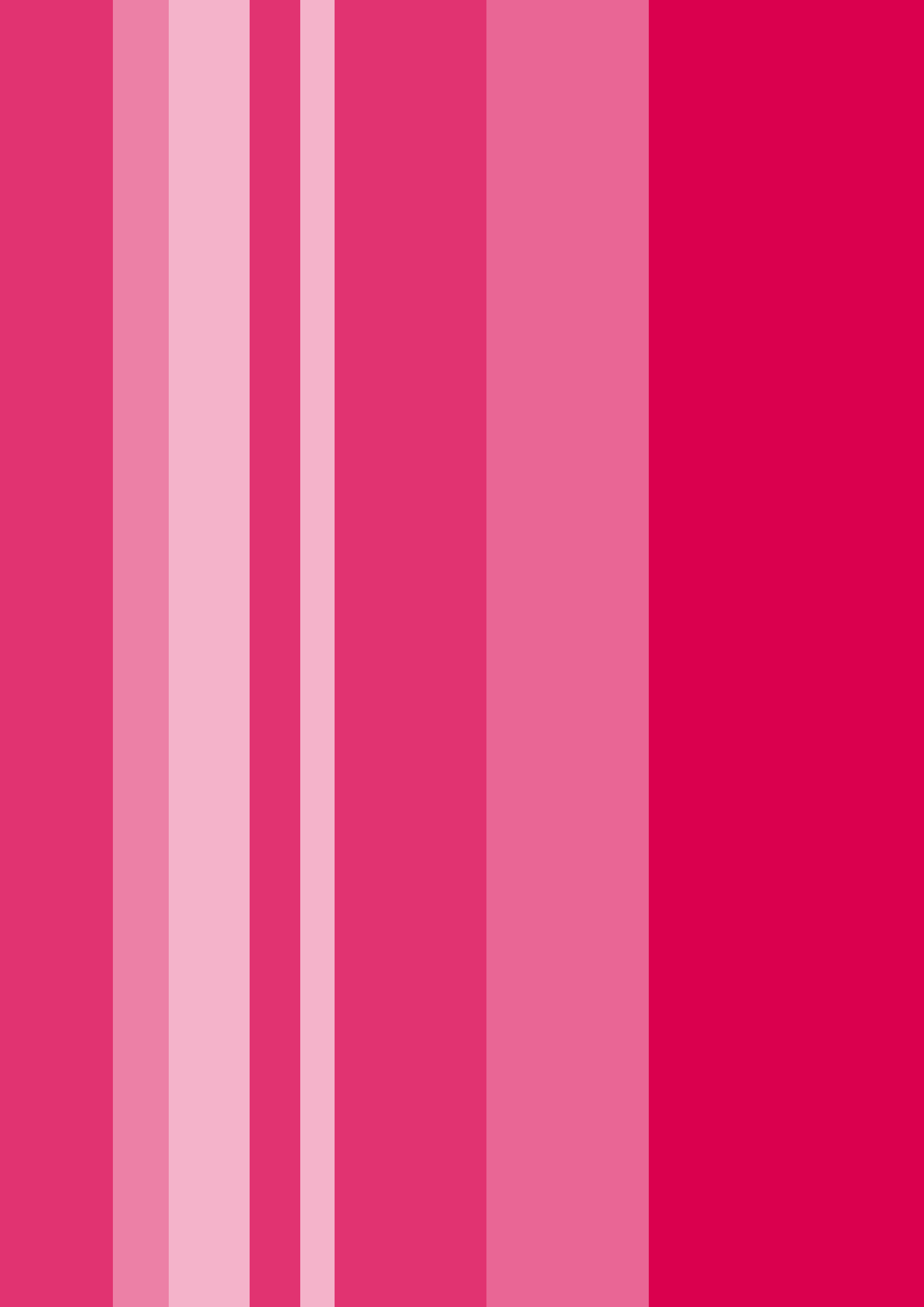
### 7) Contact person

Who can be contacted in order to obtain more information about the child impact report that is drawn up (name, administrative unit, telephone, e-mail)?

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(It is important to mention here the name of the person who is in charge of the dossier in concrete terms. This does not detract from the fact that the final political responsibility for submitting the draft Act and the child impact report concerned to the Flemish Parliament lies with the Government and the competent minister.)



# **APPENDIX 5: CHECKLIST FOR CHILDREN(UK)**

*Source:* Association of Metropolitan Authorities and Children's Rights Office (1995)

Answer the following questions in relation to all local authority policy and planning proposals.

In answering the questions give specific examples, avoid general statements, do not answer only 'yes' or 'no', and if the question is not seen as relevant explain exactly why.

1. What *input* have children and young people of different ages had in the process of drawing up the proposals?

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2. What provision is there for ensuring the *views of children and young people* who might be affected are sought and taken into account at all stages of the implementation of the proposals?

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3. In what way do the proposals tackle *disadvantage and deprivation* faced by children suffering the effects of:

- poverty
- racism
- disability
- being unable to live with their own families
- homelessness
- refugee status
- rural isolation
- caring responsibilities
- family breakdown
- violence
- not receiving education

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4. In what ways do the proposals promote and protect the *health and welfare* of children and young people of different ages, i.e.:

- birth – 4 years old?
- 5–7 years old?
- 8–12 years old?
- 13–15 years old?
- 16–17 years old?

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**5. What standards are to be following relating to *safety, staffing and supervision*?**

How are these standards to be implemented and monitored? The proposals could:

- specify exactly which guidance and standards are being followed;
- specify process through which standards will be monitored;
- explain why, if guidance or other recognised standards exist but are not being followed, this is so.

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**6. How do the proposals address what support is being offered to *parents* to ensure they can provide their children with an adequate standard of living, help them bring up their children and prevent the possibility of family breakdown, including:**

- material support
- social support
- information and advice
- training in parenting skills

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**7. How do the proposals ensure that there are more *opportunities for disabled children and young people* to take an active part in local activities?**

- Have children and their families been consulted about their specific needs?
- Are plans for integrated service provision included and properly resourced?
- Do proposals take into account the different needs of children and young people with different physical disabilities and learning difficulties?
- Do proposals take into account the different needs of disabled children of different ages?

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**8. In what way do the proposals offer support to children and young people in *exercising their rights* to:**

- freedom of expression
- freedom of thought, conscience and religion
- freedom of assembly and peaceful gatherings
- privacy and confidentiality
- practise their own culture, religion and language
- have access to information which enhances their education and development

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**9. How do the proposals enhance the *protection* you offer children and young people of all ages against:**

- physical and mental violence
- sexual abuse or exploitation
- exploitation in employment
- drug abuse
- restriction of liberty

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**10. In what ways do the proposals contribute to ensuring that all children and young people have *access* to:**

- good schools and education which meet their individual needs;
- good quality, appropriate, accessible health care services;
- play, leisure and cultural facilities which meet their own expressed needs.

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**11. In what ways does your agency ensure that the *service structure* reflects the needs of children and their families in terms of:**

- planning
- resources
- discussion
- inter-agency working
- methods of decision-making

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