

Office of the Child and Youth Advocate Policy Manual	
Section:	Administration
Policy:	Consultation Requests
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Approved by:	Marvin M. Bernstein, Child and Youth Advocate

1. Purpose

The Child and Youth Advocate is an independent statutory officer of the PEI Legislative Assembly with mandated responsibility to empower and promote the human rights of all PEI children and youth through advocacy, reviews, investigations, public education, research and child/youth engagement in accordance with the authority and responsibilities set out in the PEI *Child and Youth Advocate Act*.

This includes responsibility of the Child and Youth Advocate to promote the rights of children and youth in relation to Government legislation, policies, protocols, practices and reviewable services to children and youth. This oversight responsibility distinguishes the role and function of the Child and Youth Advocate as distinct from a government/community stakeholder.

1.0 Definitions

2.1 Child and Youth Advisory Committee of the PEI Office of the Child and Youth Advocate is an advisory body of child and youth representatives appointed by the Child and Youth Advocate to serve on the Child and Youth Advisory Committee of the PEI Office of the Child and Youth Advocate (herein referred to as the Child and Youth Advisory Committee), with responsibility to directly inform the Child and Youth Advocate on matters affecting PEI children and youth, and to inform the work of the Office of the Child and Youth Advocate in a manner consistent with the independent, impartial and non-partisan statutory authority of the Child and Youth Advocate through a child rights lens consistent with the United Nations Convention on the Rights of the Child.

Child and Youth membership of the Child and Youth Advisory Committee consists exclusively of children and youth reflecting a rich diversity of lived experience and child and youth sensitive perspectives.

2.2 Child Rights Impact Assessment (CRIA) is a systemic process designed to predict the impact of proposed legislation, regulation, policy, and budget or other administrative decisions, on children’s human rights in compliance with the United Nations Convention on the Rights of the Child.

2.3 Consultation means the action or process of formally consulting with the Child and Youth Advocate. There are two streams of consultation with the Child and Youth Advocate:

- i. Consultation with the Child and Youth Advocate and staff of the Office of the Child and Youth Advocate; and
- ii. Consultation with the Child and Youth Advisory Committee.

2.3 United Nations Convention on the Rights of the Child (UNCRC) means the international human rights treaty created by the United Nations that provides a full array of rights for all children up to the age of eighteen years as ratified by Canada in 1991. It is one of the few human rights treaties that cover civil, political, economic, social and cultural rights. Child rights are interdependent, interrelated, indivisible and inalienable.

3.0 Consultations with the Child and Youth Advocate and Staff of the Office of the Child and Youth Advocate

3.1 It is the preference of the Child and Youth Advocate to engage directly in conversations with government departments and agencies/authorities at the Ministerial, Deputy Ministerial and Director levels. Consultation requests made to the Office of the Child and Youth Advocate through intermediaries as secondary sources may be considered by way of exception.

3.2 It is the preference of the Child and Youth Advocate to receive advance communication from public bodies, to include government departments and agencies/authorities, advising of notice of intention to propose amendments to legislation or to draft new legislation, or new or amended policy as early as possible in the planning stage. This allows the Child and Youth Advocate to prioritize workload commitments to ensure due diligence to the time required to provide an informed child rights response to the requested consultation.

3.3 It is the preference of the Child and Youth Advocate to receive a final draft version of the proposed legislative bill, proposed legislative amendment or draft policy only after all other parties have provided input and the draft document is at the final stage of approval. This practice ensures confidence that the Office of the Child and Youth Advocate input is on a final draft document to prevent alternative iterations being advanced without input by the Office of the Child and Youth Advocate.

Consultations with the Child and Youth Advisory Committee

3.4 All requests for consultations with the Child and Youth Advisory Committee are to be directed to the Child and Youth Advocate for review and consideration.

3.5 The Child and Youth Advocate exercises discretionary approval in forwarding consultation requests to the Child and Youth Advisory Committee.

- 3.6** All consultation requests forwarded to the Child and Youth Advisory Committee and subsequently reviewed and approved for consideration by the Child and Youth Advisory Committee will adhere to best practices of child rights empowerment and participation to include safe space and informed consent.
- 3.7** Consultations with the Child and Youth Advisory Committee will be held at the Office of the Child and Youth Advocate and scheduled at a mutually agreed upon time respectful to the rights of children and youth.
- 3.8** The Child and Youth Advocate and staff representatives of the Office of the Child and Youth Advocate attend all consultations with the Child and Youth Advisory Committee.

4. Pre-consultation

- 4.1** Pre-consultation processes include reasonable advance notice with a minimum of ten business days, respecting the topic, scope, impact on children’s rights, and research required to provide an informed response. This serves to ensure the Child and Youth Advocate and any configuration of staff of the Office of the Child and Youth Advocate and/or members of the Child and Youth Advisory Committee are able to prepare for meaningful engagement and consultation. This minimum advance notice requirement may be shortened with the consent of the Child and Youth Advocate.
- 4.2** In advance, the Office of the Child and Youth Advocate may request:
- Preparatory research and information e.g. backgrounder, handouts, power point presentation slides, etc.;
 - Proposed timeline for the consultation, noting consultation may vary from one to multiple engagements in accordance with the topic;
 - Format for the consultation;
 - Identification of who will be present for the consultation;
 - Biographies available publicly or to be provided;
 - Terms of reference for any oversight body of the consultation topic to situate the decision-making authority for the process and outcome;
 - Schedule and format for public consultations (as appropriate) on the consultation topic, to include public engagement of child and youth participation;
 - Identification of other persons, organizations, government departments, professionals being consulted;
 - Proposed next steps of the information gathered from consultation, and how will it be stored, used, etc.
- 4.3** Pre-consultation specific to the Child and Youth Advisory Committee includes necessary and reasonable time to ensure informed consent, topic relevance, and agreement to participate can be established with the child and youth membership.

5. Consultation

- 5.1** The consultation process includes an informed briefing and presentation on the topic identified for consultation. All relevant background information will have been provided within the two- week timeline in accordance with the pre-consultation process.
- 5.2** The Child and Youth Advocate, staff of the Office of the Child and Youth Advocate and/or the Child and Youth Advisory Committee will participate in the consultation from an informed child rights lens.
- 5.3** The benefit of a CRIA will be highlighted with advice that this analysis be completed by the reviewable service following the consultation phase and prior to the formulation of recommendations impacting proposed legislative, regulatory, budgetary, policy or program considerations. A copy of the completed CRIA is to be provided to the Child and Youth Advocate.
- 5.4** Features of a child-rights based approach to consultation include, but are not limited to:
- Explicit and consistent reference to the United Nations Convention on the Rights of the Child;
 - Proposed alignment and compliance with the UN Committee on the Rights of the Child's standards;
 - Child and youth engagement, empowerment and participation;
 - Due weight and consideration given to the views of children and youth;
 - Clear structures and oversight mechanisms defined for children and youth;
 - Accessibility to range of groups of children and youth.

6. Post-consultation

- 6.1** Following consultation, the Child and Youth Advocate may request the opportunity to review reports, drafts, and summaries of information created by the public body, and resulting from any consultation with the Office of the Child and Youth Advocate.
- 6.2** Prior approval and informed consent is required from the Child and Youth Advocate to make public reference to attributed statements or positions expressed in the course of consultation engagement with the Office of the Child and Youth Advocate, including, but not limited to, any such reference in the media, speeches, web content, press releases, or any public forum.
- 6.3** Dual and prior consent is required from both the Child and Youth Advocate and the Child and Youth Advisory Committee in order to make public reference to attributed statements or positions expressed in the course of consultation engagement with the child and youth membership, including, but not limited to, any such reference in the media, speeches, web content, press releases, or any public forum.