



Response to

Local Government Reorganisation Bill

November 2013

Introduction

Children in Northern Ireland (CiNI) are the regional umbrella body for the children's sector in Northern Ireland.

CiNI represents the interests of its 160 member organisations providing policy, information, training and participation support services to members in their direct work with and for children and young people. CiNI membership also includes colleagues in the children's statutory sector recognising that the best outcomes for children and young people are increasingly achieved working in partnership with all those who are committed to improving the lives of children and young people in NI.

CiNI welcomes this opportunity to provide some feedback and commentary on the Local Government Reorganisation Bill. We trust that our comments will be positively used to inform the next step in the process.

General Comments

While CiNI is disappointed at the slowness by which progress has been made on the Reform of Public Administration within Local Government, we would however highlight that it is imperative that serious and on-going efforts are made to ensure the reform of local government in the interests of delivering optimal, efficient and effective administration of local government services to complement health, education and other core public services and serve the best interests of all individuals and communities across Northern Ireland. The comments following will be limited to Community Planning (Part 10, Clause 69), Community Involvement (Clause 76), Community Planning Partners (Clause 70) and the General Power of Competence (Clause 82).

Community Planning – Part 10

CiNI fully support the introduction of a council led and facilitated community planning process. However we would strongly advocate that community planning legislation must specifically include a statutory obligation in respect of consultation, co-operation and engagement in line with statutory obligation to have due regard to the promotion of equality of opportunity and in line with best practice on engagement and consultation. We would point out that the obligation to consult and co-operate with all bodies responsible for providing public services in the district must include the voluntary and community sector, which are increasingly relied on and acknowledged as a significant public service provider. It is particularly important that legislation is explicit in requiring engagement with the community and other bodies and individuals in the planning process; this must include voluntary sector agencies alongside their community sector partners.

Clause 69 (2) (C)

We recommend that this clause contains reference to *service provision*.

We would highlight, with regard to service provision for children and young people, the new regional arrangements for Children's Services Planning which operate as a cross-sectoral and multi-agency the ***Children and Young People's Strategic Partnership*** led by the Health and Social Care Board and supported and assisted by local government, which has CEOs represented on the Partnership.

The linkage must be strongly made between integrated planning and commissioning of services for children and young people – Children's Services Planning – and the proposed Community Planning process.

It is significant to note that in neighbouring UK jurisdictions the statutory processes of Children's Services Planning and Community Planning are specifically linked, with the local Children's and Young People's Plan also being that part of the Community Plan that relates to children and young people.

Clause 69 (2) (d)

The process which describes community planning only relates to councils and community planning partners, it is essential that both community and voluntary sector bodies are included in the process.

It is imperative that, using the experience of other jurisdictions as a guide, the Children and Young People's Strategic Partnership is also a key partner within the community planning process to reflect local planning work, carried out through the Children and Young People's Strategic Partnership Locality Planning Groups.

We suggest the clause is amended to include both the Children and Young People's Strategic Partnership and community and voluntary bodies in the definition of the process of community planning. It should also include in 'co-operation' and 'conjunction' with both the Children and Young People's Strategic Partnership and the community and voluntary bodies.

Community Planning Partners Clause 70 (1-3)

At the heart of these new arrangements for community planning should be a commitment to ensure the involvement of children, young people, families and communities including the community and voluntary section. A commitment which must be reflected within the legislation which is why we recommend the clauses mentioned above are extended to ensure everyone is included within the consultation stage and as community planning partners.

We agree that it is necessary that community planning legislation should place a requirement on other public bodies to 'participate in' and 'assist' community planning. In respect of public bodies participating and assisting in the process we would highlight the need to ensure this requirement is explicitly detailed.

We therefore recommend that the legislation should list the Community Planning Partners who are under a duty to participate, it should also allow for additional partners to be identified and added as and when required.

Community Involvement Clause 76 (1-5)

We would advocate that in relation to community involvement and community planning partners that steps are taken to ensure that community planning involves engagement and involvement of children and young people as part of the community engagement process. We would highlight the obligations which exist both internationally and domestically and the imperative for compliance with section 75 of the Northern Ireland Act 1998, article 12 of the United Nations Convention on the Rights of the Child (UNCRC) on Respect for the Views of the Child, and article 7 of the United Nations Convention on the Rights of People with Disabilities on Children with Disabilities.

We suggest the wording is stronger '***councils and its community planning partners MUST SEEK the participation of and encourage people (including children and young people) to express their views and ensure that their views are taken into account.***'

Guidance Clause 77

CiNI believes the experience of other jurisdictions in implementing community planning will be invaluable to Northern Ireland as it takes forward the development of community planning here, while reflecting on the specific needs and circumstances of communities across Northern Ireland.

It is imperative that the Department produces detailed guidance and as we have indicated above, while respecting the need for flexibility, this should outline a set of minimum standards which community plans should be required to meet.

We would also advocate that guidance should include quality standards for community engagement and steps to ensure that community planning structures are fully representative of all voluntary and community bodies, with particular regard to the section 75 equality categories. ***The Councils and its community planning partners must have due regard to any guidance issued.***

Duties of Departments in relation to Community Planning Clause 78

CiNI notes that it is proposed that government departments should ‘aim to promote and encourage community planning.’

We believe that the relationship between central and local government will be critical to ensuring Community Planning can maximise its potential and be the enabler for ‘*vibrant, healthy, prosperous, safe, sustainable communities and which have the needs of all people at their core*¹’.

Therefore we would advocate that the proposed role of central government with regard to community planning is enhanced and therefore recommend ‘aim to’ is removed from this sentence.

Change of General Power of Well-Being to General Power of Competence Part 11 Clause 82

We note that the Power of Well-Being has been changed to the Power of Competence and also recognise that in England this power was being legally challenged. We support the development of guidance on the power of competence and would suggest that this must define the core elements of the power. We would advocate that the power of well-being encompass considerations of social, economic and environmental well-being. It is imperative that there is early engagement and involvement of stakeholders in how this will be used.

We believe the power of competence, if harnessed properly, will provide scope and opportunity for innovation and creativity in response to the particular needs and aspirations of local communities.

¹ DOE (2010) Local Government Reform Policy Proposals para 6.1

Conclusion

CINI trusts that this submission can usefully inform the on-going development of local government reorganisation. If you would like to discuss any aspect of this response please get in touch.

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