

Children's Services Co-operation Bill

[AS AMENDED AT FURTHER CONSIDERATION STAGE]

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A

BILL

TO

Require co-operation among certain public authorities and other persons in order to contribute to the well-being of children and young persons; to require the adoption of a children and young persons strategy; and for connected purposes.

BE IT ENACTED by being passed by the Northern Ireland Assembly and assented to by Her Majesty as follows:

Well-being of children and young persons

1.—(1) The functions conferred by this Act are to be exercised for the purpose of improving the well-being of children and young persons.

(2) For this purpose the “well-being” of children and young persons includes—

- 5 (a) physical and mental health;
- (b) the enjoyment of play and leisure;
- (c) learning and achievement;
- (d) living in safety and with stability;
- (e) economic and environmental well-being;
- 10 (f) the making by them of a positive contribution to society;
- (g) living in a society which respects their rights;
- (h) living in a society in which equality of opportunity and good relations are promoted between persons who share a relevant characteristic and persons who do not share that characteristic.

15 (3) In this section “relevant characteristic” means a characteristic mentioned in any of paragraphs (a) to (d) of section 75(1) of the Northern Ireland Act 1998.

(4) In determining the meaning of well-being for the purposes of this Act, regard is to be had to any relevant provision of the United Nations Convention on the Rights of the Child (which is to say, the Convention of that name adopted by
20 General Assembly resolution 44/25 of 20 November 1989).

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(5) The Office of the First Minister and deputy First Minister may by regulations make such amendments to subsection (2) as it thinks appropriate.

(6) Regulations must not be made under subsection (5) unless a draft of the regulations has been laid before, and approved by a resolution of, the Assembly.

5 **Co-operation to improve well-being**

2.—(1) Every children's authority must, so far as is consistent with the proper exercise of its children functions, co-operate with other children's authorities and with other children's service providers in the exercise of those functions.

(2) The Executive must make arrangements to promote co-operation of the kind mentioned in subsection (1).
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(3) Every children's authority must co-operate with the Executive in the making of the arrangements mentioned in subsection (2).

(4) "Children functions" are any functions which may contribute to the well-being of children and young persons.

15 **Children and young persons strategy**

3.—(1) The Executive must adopt a strategy (the "children and young persons strategy") setting out how it proposes to improve the well-being of children and young persons.

(2) The strategy must in particular set out—

- 20
- (a) what outcomes the Executive intends should be achieved for that purpose;
 - (b) what actions will be taken by Northern Ireland departments (among others) for the purpose of achieving those outcomes;
 - (c) how it will be determined whether, and to what extent, the outcomes have been achieved.

25 (3) The strategy must state the period within which it is intended that the outcomes should be achieved (the "lifetime" of the strategy).

(4) Before adopting the strategy, the Executive must consult—

- 30
- (a) children and young persons,
 - (b) parents and guardians of children and young persons,
 - (c) such persons representing the views and interests of children and young persons as the Executive thinks appropriate, and
 - (d) such other persons as the Executive thinks appropriate.

(5) The Executive may—

- 35
- (a) revise or replace the strategy if the Executive is satisfied that changes in circumstances justify doing so;
 - (b) amend the strategy by extending its lifetime.

(6) The Executive must—

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- (a) lay the strategy, and any revisions to it, before the Assembly, and
 - (b) publish it, and any revisions, in such other manner as the Executive thinks appropriate.

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(7) At the end of the lifetime of the strategy, the Executive must adopt a new one.

(8) Subsections (2) to (7) apply to any new strategy.

Sharing of resources and pooling of funds

5 **4.**—(1) This section applies to a children's authority for the purposes of exercising any functions in accordance with arrangements under section 2.

(2) For those purposes, a children's authority may—

- (a) provide staff, goods, services, accommodation or other resources to another children's authority;
- 10 (b) make contributions to a fund out of which relevant payments may be made.

(3) A "relevant payment" is a payment in respect of expenditure incurred, by a children's authority contributing to the fund, in the exercise of its functions.

Report on the operation of this Act

15 **5.**—(1) For each reporting period, the Executive must prepare a report on the operation of this Act.

(2) The reporting period is—

- (a) for the first report prepared after the adoption of a strategy, the period since its adoption;
- 20 (b) in any other case, the period since the preparation of the preceding report under this section.

(3) The report must include statements on the following matters, so far as relating to the reporting period—

- 25 (a) what actions have been taken by the Executive, and Northern Ireland departments, for the purpose of achieving the outcomes set out in the children and young persons strategy;
- (b) what progress has been made towards achieving those outcomes, or the extent to which they have been achieved;
- 30 (c) how children's authorities and other children's service providers have co-operated with each other in the provision of children's services;
- (d) how children's authorities have exercised the powers conferred by section 4;
- (e) how the well-being of children and young persons has improved.

(4) The report must also identify—

- 35 (a) any further opportunities for co-operation between children's authorities and other children's service providers that could help to achieve the outcomes set out in the strategy,
- (b) any other ways in which the well-being of children and young persons could be improved, and
- 40 (c) any ways in which the children and young persons strategy might be revised in order to contribute to those improvements.

(5) The Executive must prepare a report under this section—

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(a) not more than 18 months after the date on which it adopted a children and young person's strategy,

(b) thereafter, during the lifetime of that strategy, at intervals of not more than 3 years, and

5 (c) at the end of the lifetime of a strategy.

(6) But subsection (5)(c) does not apply if a report was prepared under this section less than 6 months before the end of the lifetime of the strategy.

(7) Children's authorities must co-operate with the Executive in the preparation of a report under this section.

10 (8) The Executive must—

(a) lay the report before the Assembly, and

(b) publish it in such other manner as the Executive thinks appropriate.

Programme for government

15 **6.**—(1) In preparing a programme for government, the Executive must take account of the most recent report published under section 5 of this Act.

(2) In this section “a programme for government” means a programme referred to in paragraph 20 of Strand One of the Belfast Agreement.

Guidance

20 **7.**—(1) The Office of the First Minister and deputy First Minister may issue guidance to children's authorities, or to any particular children's authority, on the exercise of functions conferred by this Act.

(2) A children's authority must have regard to guidance issued to it under this section.

Regulations relating to section 4

25 **8.**—(1) The Department of Finance and Personnel may by regulations make provision for procedures to be followed by children's authorities when exercising the powers conferred by section 4(2).

(2) Regulations under subsection (1) are subject to negative resolution and may include saving, transitional, transitory, supplementary or consequential provision.

Interpretation

30 **9.**—(1) In this Act—

“children and young persons” means persons who are—

(i) under the age of 18, or

(ii) aged 18 or over and fall within subsection (2) or (3);

35 “children's authority” means any of the following—

(i) a Northern Ireland department,

(ii) a district council,

(iii) a Health and Social Care trust,

(iv) the Regional Health and Social Care Board,

40 (v) the Regional Agency for Public Health and Social Well-being,

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- (vi) the Education Authority,
- (vii) the Northern Ireland Housing Executive,
- (viii) the Police Service of Northern Ireland, or
- (ix) the Probation Board for Northern Ireland;

5 “children’s service” means any service which is provided (whether by a children’s authority or by any other person or body) wholly or mainly to or for the benefit of—

- (i) children and young persons generally, or
 - (ii) children and young persons of a particular description or with particular
- 10 needs;

“the Executive” means the Executive Committee of the Assembly, established under section 20 of the Northern Ireland Act 1998;

15 “other children’s service provider” means any person or body, of whatever nature, who provides a children’s service or is engaged in activities which contribute to the well-being of children or young persons (but does not include a children’s authority);

“well-being” has the meaning given by section 1.

(2) A person falls within this subsection if services are provided to or in respect of the person by, or on behalf of, or under arrangements made with, the Regional Health and Social Care Board or a Health and Social Care trust by virtue of—

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- (a) Article 21(5), 34D, 35, 35A or 35B of the Children (Northern Ireland) Order 1995 (which provide for the continuing duties of those bodies towards young persons), or
 - (b) regulations made under Article 34E of that Order (which may provide for
- 25 the appointment of personal advisers for certain young persons).

(3) A person falls within this subsection if the person—

- (a) is under the age of 21 years, and
- (b) is a disabled person within the meaning of the Disability Discrimination Act 1995.

30 (4) The Office of the First Minister and deputy First Minister may by regulations make such amendments to the definition of “children’s authority” as it thinks appropriate.

(5) Regulations under subsection (4) are subject to negative resolution.

Commencement

35 **10.**—(1) This Act comes into operation on the day after the day on which it receives Royal Assent.

(2) The first strategy under section 3 must be laid before the Assembly before the end of the period of 12 months beginning with the day on which this Act receives Royal Assent.

Short title

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11. This Act may be cited as the Children’s Services Co-operation Act (Northern Ireland) 2015.