

Committee for the Office of the First Minister and Deputy First Minister

Children's Services Co-operation Bill Response pro forma

For your convenience the Committee has prepared the attached pro forma to assist in responding to the main clauses of the Bill. The Bill can be found at <http://www.niassembly.gov.uk/assembly-business/legislation/current-non-executive-bill-proposals/childrens-services-co-operation-bill-as-introduced/>

Please respond by Friday 27 February 2015 to committee.ofmdfm@niassembly.gov.uk.

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| Organisation Name | Personal Response |
| Main contact | Ann Godfrey. Retired. Up until November 2012 Children's Services Planning Professional Advisor, employed by the Health and Social Care Board to support the Children and Young People's Strategic Partnership. |

I wish to be considered for oral evidence sessions in relation to the Committee's scrutiny of the Bill: Yes

| Clause | Comments (200 words) |
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| <p>1. General Duty</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The six specified outcomes relating to the well-being of children and young people as listed in the 10 Year Strategy for Children and Young People 2006 - 2016 • The duty on Northern Ireland Departments to co-operate with each other in order to further the achievement of these objectives • The mechanism in place for amending the specified outcomes | <ul style="list-style-type: none"> • There is extensive international evidence of the necessity of agreed outcomes for integrated delivering of improved lives for children. The six NI outcomes were developed through long and extensive Government led consultation. The outcomes, taken together, encapsulate the whole of children’s lives and provide a coherent framework for work across all sectors towards improvement. The Children and Young People’s Strategic Partnership (CYPSP) uses the outcomes and associated indicators to drive all its planning work. They greatly help the process of putting the child’s life at the centre of the joint work, rather than the focus being on the current responsibilities of individual agencies. The Child Poverty outcomes can be used together with the 6, as indicators of success can be linked. • The duty is essential. As stated by the Bill’s proposer, there is evidence of co-operation across Departments to improve provision, but this relies on goodwill, and, I have observed, massive efforts are required for any joint work, as the normal procedures of all Departments are focused on internal priorities. The duty takes cooperation into the core business of each Department, thus saving resources across departments by sharing effort and driving up the chances of real, lasting improvement. • Appropriate. |

| Clause | Comments (200 words) |
|--|--|
| <p data-bbox="185 240 472 268">2. Co-operation Report</p> <p data-bbox="185 316 539 343">Please provide comment on:</p> <ul data-bbox="185 387 539 887" style="list-style-type: none"> <li data-bbox="185 387 539 632">• The requirement for OFMDFM to publish periodically a report on the progress of departments towards achieving the specified outcomes <li data-bbox="185 676 539 887">• The requirement for other Northern Ireland Departments to co-operate in the preparation and publication of the report | <ul data-bbox="575 352 2049 778" style="list-style-type: none"> <li data-bbox="575 352 2049 632">• This is essential as it supports prioritising, and such reports are an intrinsic part of outcomes based planning internationally. This requirement helps to frame joint efforts across Departments and to measure effectiveness. The danger of such reporting becoming an end in itself is offset, in outcomes reporting, by the focus being on indicators of change, rather than on measuring the delivery of particular services, which may or may not be effective in improving children’s lives. In relation to the Department on which the requirement sits being OFMDFM, it is clear that children’s lives cut across all Departments, which points to OFMDFM. This is not to say that the whole responsibility for the work on which the report relies for its content should be that of OFMDFM, which is why the second requirement is so important. <li data-bbox="575 639 2049 778">• The actions required for the outcomes to be improved sit right across Government, so the Bill must require other Departments to cooperate – importantly in the preparation of the report – this does not mean an onerous increase in the amount of reporting, as most of the issues will already be being reported on, but this means that the work that goes into the report is joint. |

| Clause | Comments (200 words) |
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| <p data-bbox="185 311 492 375">3. Sharing resources and pooling funds</p> <p data-bbox="185 419 539 448">Please provide comment on:</p> <ul data-bbox="185 491 546 770" style="list-style-type: none"> <li data-bbox="185 491 546 770">• The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1 | <p data-bbox="577 419 2047 627">This is essential. The lack of the ability to pool budgets has severely limited current attempts to provide an integrated approach to improving children’s lives. Sharing resources in this way will allow changes to flow from decisions in various Departments’ areas of responsibilities, and will greatly improve the efficiency and effectiveness of the totality of resources across Departments. The recent example of early intervention developments across Departments is an example of what could be achieved – but this should not require the instigation of a special project for each development – there should be an established and approved route for any pooling which is demonstrably required for improvement in the outcomes.</p> <p data-bbox="577 671 2033 735">Pooling of resources to improve outcomes has accompanied successful outcomes based planning processes in other parts of the UK and internationally.</p> |

| Clause | Comments (200 words) |
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| <p>4. Children’s Services Planning</p> <p>Please provide comment on:</p> <ul style="list-style-type: none"> • The requirement for the Health and Social Care Board to review and publish a children and young people’s plan, including: <ul style="list-style-type: none"> ○ Content ○ Review mechanism ○ Co-operation between public bodies • The public bodies listed at Clause 4 (7) • The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting | <p>The debate indicated misunderstanding of the role of the Health and Social Care Board. Clearly, the HSCB, alongside all statutory agencies, operates under statutes, and discharges responsibilities accordingly. This cuts across neither the lead roles of Government Departments nor MLAs. There is already a statutory requirement on the HSCB, contained within the Children (NI) Order 1995, to carry out Children’s Services Planning. This Bill is suggesting an amendment to an existing statutory requirement, which would make such joint planning core business for each agency, and such core business status, for statutory agencies, is only achieved if the business is made statutory – required rather than desirable.</p> <p>Similarly to the requirements at Department level, this needs to involve joint reporting on progress – based on improvements in the <u>outcomes</u>. Amendment is therefore required. The Bill currently refers to ‘children’s services’ meaning services under Part IV of the Children Order. In order for this work to include early intervention, which clearly the proposer of the Bill intends, this wording should be amended as per next section.</p> <p>These require amendment, to include all relevant bodies, accurate names, to distinguish between statutory and voluntary agencies and to add the voice of children.</p> <p>See next section.</p> |

Do you have any suggested amendments to the Bill? (200 words)

The debate called for greater clarity. The Bill requires cooperation at 2 levels – across Departments and across agencies. This should be noted at the start and the titles of two main sections. The other amendment I suggest is to the definition of ‘children’ so that the Bill can include cooperation on early intervention at agency level.

- ‘Require Northern Ireland departments to discharge their functions and co-operate with one another in order to contribute to the achievement of certain specified outcomes relating to the well-being of children and young people, and to require agencies to discharge their functions and co-operate with each other in order to contribute to the achievement of the same outcomes, through an amendment to the Children (Northern Ireland) Order 1995.’
- General Duty at Department Level
- Corresponding Duty at Agency Level: Amendment of the Children (Northern Ireland) Order 1995

1. In Schedule 2 to the Children (Northern Ireland) Order 1995 (provision of services for families: specific powers and duties) for paragraph 2A substitute—

‘Children and Young People’s Plans’

2A.—(1) The Board shall, within one year of this paragraph coming into effect—

- (a) make arrangements to promote co-operation between the Board and specified statutory bodies as well as any other appropriate persons or bodies, with a view to improving specified outcomes in relation to the well-being of children and young people.
- (b) review services provided within its area which are relevant to improvement in relation to the specified outcomes
- (c) having regard to that review and the most recent reviews under Article 20, prepare and publish a plan, to be known as the Children and Young People’s Plan, for the planning and commissioning of services to secure improvement in the specified outcomes in relation to the well-being of children and young people.

Do you have any other comments? (200 words)

My previous comments in the last section went beyond 200 words as I included suggested amendments to wording. I have also attached to this document my suggested amendments to the Bill throughout – for greater clarity. I hope both can be considered.

I feel that I can comment in detail in this way as I worked in the field of integrated planning for 15 years, and saw the limitations of the current arrangements at close quarters as well as the sincere efforts of many, across Departments and Agencies, to make co-operation work without the support of a duty as set out in the Bill. My suggested amendments also draw on extensive research on arrangements elsewhere.

Please see attached document for the detail of the suggested amendments (amendments are underlined).

Children's Services Co-operation

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Require Northern Ireland departments to discharge their functions and co-operate with one another in order to contribute to the achievement of certain specified outcomes relating to the well-being of children and young people, and to require agencies to discharge their functions and co-operate with each other in order to contribute to the achievement of the same outcomes, through an amendment to the Children (Northern Ireland) Order 1995.

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

General Duty at Department Level

1.—(1) The Northern Ireland departments must ensure that, so far as is consistent with the proper exercise of their functions—

- (a) those functions are discharged, and
- (b) any person discharging those functions on their behalf does so,

in such a way as to further the achievement of specified outcomes listed in subsection (3) in relation to the well-being of children and young people.

(2) Each Northern Ireland department must co-operate with the other Northern Ireland departments so as to further the achievement of specified outcomes in relation to the well-being of children and young people.

(3) The specified outcomes are—

- (a) being healthy;
- (b) enjoying learning and achieving
- (c) living in safety and with stability;
- (d) experiencing economic and environmental well-being;
- (e) contributing positively to community and society; and
- (f) living in a society which respects their rights.

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(4) The Office may by order make such modifications to the specified outcomes listed in subsection (3) as it thinks appropriate.

(5) An order which does so must not be made unless a draft of the order has been laid before and approved by a resolution of the Assembly.

Co-operation Report

2.—(1) Not more than three years after the passing of this Act and thereafter at intervals of not more than three years, the Office must prepare and publish a report on—

- (a) how each Northern Ireland department has—
 - (i) discharged its functions; and
 - (ii) co-operated with the other Northern Ireland departments;so as to further the achievement of the specified outcomes listed in section 1(3);
- (b) any increased efficiency or effectiveness which has resulted from the co-operation described in paragraph (a)(ii);
- (c) any further opportunities for co-operation between the Northern Ireland departments which could help to achieve the specified outcomes; and
- (d) any other ways in which the specified outcomes could be better achieved.

(2) The Northern Ireland departments must co-operate with the Office in relation to the preparation and publication of the report referred to in subsection (1).

(3) The Office shall lay the report referred to in subsection (1) before the Assembly as soon as is practicable after its publication.

Sharing resources and pooling funds

3.—(1) For the purposes of fulfilling their duty under section 1 the Northern Ireland departments may—

- (a) provide staff, goods, services, accommodation or other resources; and
- (b) establish and maintain a pooled fund.

(2) For the purposes of subsection (1) a pooled fund is a fund—

- (a) which is made up of contributions by the Northern Ireland departments; and
- (b) out of which payments may be made towards expenditure incurred, or to be incurred, in the discharge of their functions under this Act.

Corresponding Duty at Agency Level: Amendment of the Children (Northern Ireland) Order 1995

4. In Schedule 2 to the Children (Northern Ireland) Order 1995 (provision of services for families: specific powers and duties) for paragraph 2A substitute—

‘Children and Young People’s Plans’

2A.—(1) The Board shall, within one year of this paragraph coming into effect—

- (a) make arrangements to promote co-operation between the Board and specified statutory bodies as well as any other appropriate persons or bodies, with a view to improving specified outcomes in relation to the well-being of children and young people.
- (b) review services provided within its area which are relevant to improvement in relation to the specified outcomes
- (c) having regard to that review and the most recent reviews under Article 20, prepare and publish a plan, to be known as the Children and Young People’s Plan, for the planning

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and commissioning of services to secure improvement in the specified outcomes in relation to the well-being of children and young people.

(2) The Children and Young People's Plan shall include a description and explanation as to—

- (a) how children's services in its area will be planned, commissioned and delivered by the relevant public bodies,
- (b) how the relevant public bodies are to co-operate with the Board and one another in planning, commissioning and delivering children's services and when they must do so,
- (c) any key actions, programmes and services which the Board considers are to be taken or commissioned by the relevant public bodies on a shared basis, and
- (d) the targets to be used by the Board in assessing the effectiveness of the actions taken under heads (a), (b) and (c),

in order to achieve the specified outcomes.

(3) The Board—

- (a) shall keep under review the plan prepared by it under sub-paragraph (1)(c) (as modified or last substituted under this sub-paragraph); and
- (b) shall, having regard to that review and to the most recent reviews under Article 20, at intervals of not more than 3 years, prepare and publish—
 - (i) modifications (or, as the case may be, further modifications) to the plan reviewed; or
 - (ii) a plan in substitution for that plan.

(4) In carrying out any review under this paragraph and in preparing any plan or modification to a plan, the Board shall consult the relevant public bodies and take account of any views they express.

(5) If as a result of consultation under sub-paragraph (4) it appears to a Board appropriate to change the whole or any part of the Children and Young People's Plan it must carry out such further consultation with respect to the changes it considers appropriate.

(6) It is immaterial for the purposes of this paragraph whether the consultation is carried out before or after the commencement of this paragraph.

(7) The relevant public bodies are—

- (a) every Health and Social Care Trusts;
- (b) every Education and Library Boards;
- (c) every District Councils
- (d) the Northern Ireland Housing Executive;
- (e) the Police Service of Northern Ireland;
- (f) the Probation Board for Northern Ireland;
- (g) the Youth Justice Agency
- (h) the Council for Catholic Maintained Schools;
- (i) the Department for Social Development;
- (j) the Department of Justice; and
- (k) the Public Health Agency

(8) The arrangements for co-operation must include representation from such voluntary and community sector organisations as appear to the Board to provide services in the

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Board's area which contribute to the specified outcomes in relation to the well-being of children.

(9) The arrangements for co-operation must include a mechanism for the inclusion of children and young people in the process of drawing up and implementing the Children and Young People's Plan.

(10) So far as is consistent with the proper exercise of their functions, the relevant public bodies must co-operate with the Board in relation to the preparation, review and implementation of, and reporting on, the Children and Young People's Plan including by providing to the Board such information as it may request.

(11) The Board shall monitor the implementation of the Children and Young People's Plan by the relevant public bodies.

(12) The Board shall, within 28 days of receiving a written request from the Department, submit to it a copy of—

- (a) such information it has in its possession regarding the implementation of the Children and Young People's Plan by the relevant public bodies;
- (b) the plan prepared by the Board under sub-paragraph (1)(c); or
- (c) where that plan has been modified or substituted, the plan as modified or last substituted.

(13) Not more than three years after the publication of the Children and Young People's Plan and thereafter at intervals of no more than three years, the Board must prepare a report on its implementation.

(14) The report referred to in sub-paragraph (12) must—

- (a) set out the extent to which the relevant public bodies have—
 - (i) discharged their functions in the manner described in the plan pursuant to sub-paragraphs (2)(a) and (c);
 - (ii) co-operated with the Board and one another as described in the plan pursuant to sub-paragraph (2)(b); and
 - (iii) met the targets described in sub-paragraph (2)(d); and
- (b) identify—
 - (i) any increased efficiency or effectiveness in achieving the specified outcomes which has resulted from the co-operation described in head (a)(ii);
 - (ii) any further opportunities for co-operation as described in head (a)(ii) which could help to achieve the specified outcomes; and
 - (iii) any other ways in which the specified outcomes could be better met.

(15) (a) The Minister may by order make such modifications to the persons or bodies listed in sub-paragraph (7) as he thinks appropriate.

(b) An order which does so is subject to negative resolution.

(16) The Department shall lay any report prepared by the Board under sub-paragraph (12) before the Assembly as soon as is practicable after its preparation.

(17) In this paragraph—

“the specified outcomes” means those for the well-being of children and young people set out in section 1 of the Children's Services Co-operation Act (Northern Ireland) 201[.]”.

Interpretation

5. In this Act—

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“children” or “young people” shall have the same meaning as in the Commissioner for Children and Young People (Northern Ireland) Order 2003;

“the Office” means the Office of the First Minister and Deputy First Minister.

Short title and commencement

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