



Department of
Education

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AN ROINN

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Dear Kathy

THE CHILDREN'S SERVICES CO-OPERATION BILL – COMMITTEE STAGE

I refer to your letter dated 5 February 2015 inviting written submissions on the Children's Services Co-operation Bill.

Please see attached submission from the Department of Education.

Yours sincerely

Russell

RUSSELL WELSH
Departmental Assembly Liaison Officer

DEPARTMENT OF EDUCATION SUBMISSION TO OFMDFM COMMITTEE

THE CHILDREN'S SERVICES CO-OPERATION BILL – COMMITTEE STAGE

Introduction

1. The Department of Education (DE) works in partnership and co-operates with a range of bodies within and outside the department to ensure the delivery of various services to children and young people. The proposals detailed in the Children's Services Co-operation Bill are of direct interest and relevance to DE and could have significant implications for both DE and its ALBs. Whilst DE broadly supports the general principles of the Bill, there would be some concerns regarding the proposals.
2. Clause 2 will clearly place a greater administrative burden on Departments in reporting to OFMDFM on how they have fulfilled the duty to co-operate and the impact which this has had. The added value of the reporting is not clear and might also not be appropriate in the context of Departmental restructuring..
3. Clause 3 has budgetary and resource implications for Departments and it is not clear which Department or organisation would have lead responsibility for the pooled fund. In the current difficult budgetary situation, this is something that we need to consider carefully.
4. The Department would have particular concerns about Clause 4 and the proposal to enable the Health and Social Care Board (HSCB) to have a direct influence on a range of public bodies, including agencies and departments, and ultimately the Executive. While it is recognised that there is potential to streamline the existing Children and Young People's Strategic Partnership (CYPSP) implementation structures, there is concern that the potential future role of the Children's and Young People's Service's Plans is not what was originally envisaged and that the enhanced role of the HSCB may cut across the remit of Ministers/Departments.
5. There would need to be further clarity about the added value the legislation would bring.
6. There would also need to be clarification about the impact on the Bill of the proposed restructuring of government departments and planned changes to their functions.
7. This submission is structured to reflect the clauses and structure of the Bill.

Clause 1: Duty to co-operate to further six high-level outcomes for children

8. The Department recognises that co-operation and collaboration between Departments and other key public bodies is of vital importance in ensuring that children's services are delivered in a co-ordinated, efficient and effective manner.
9. There are well-embedded mechanisms and partnership arrangements already in place in this regard which have helped to ensure that children and young people

here benefit from high quality services which reflect and seek to meet their educational, physical, emotional and wider welfare needs.

10. The Department will continue to collaborate with other Departments, public bodies and the voluntary and community sector. In this context, it is unclear whether there is a genuine need for the Bill and it is uncertain whether the Bill will effect greater co-operation or collaboration beyond that which is already taking place.
11. The Department notes the six outcomes listed in the Bill and that these outcomes are consistent with those listed in the Children and Young People's Strategy. However, the link between the six outcomes and the Children and Young People's Strategy is not stated in the Bill and the Department is concerned that the wide ranging nature of the outcomes may generate confusion and unrealistic expectations around the public services which will be delivered. This could potentially ultimately lead to judicial reviews by those alleging that a Department failed to discharge its duty under Clause 1.

Clause 2: Report on co-operation

12. Clause 2 requires OFMDFM to publish periodically a report on the progress of the Departments towards achieving the specified outcomes. This will clearly place a greater administrative burden on Departments in reporting to OFMDFM on how they have fulfilled the duty to co-operate and the impact which this has had.
13. The Department would also note that similar reporting structures are already in place in relation to the Child Poverty Strategy and the Department provides an annual update to OFMDFM on the actions taken to implement the Strategy/fulfil its duties.

Clause 3: Sharing resources and pooling funds

14. This enabling clause permits Departments to establish pooled budgets and share resources to achieve the six outcomes outlined in Clause 1, however it is not clear which Department or organisation would have lead responsibility for the pooled fund. It will clearly be necessary to ensure that appropriate governance and accountability arrangements are established in order to monitor and manage any such fund and this should perhaps be reflected in the Bill.

Clause 4: Children's services planning

15. Clause 4 would enable the Health and Social Care Board (HSCB) to have direct influence on a range of public authorities, including agencies and Departments and ultimately the Executive.
16. Schedule 2 of the Children (NI) Order 1995 already gives powers to the HSCB in this regard and implementation structures are well embedded. The existing arrangements to fulfil the duties under the 1995 Order are delivered through the Children and Young People's Strategic Partnership (CYPSP). The Children and Young People's Plan, which is produced via the CYPSP, currently sets out how the services will be delivered. The Education and Library Boards (ELBs) are a

core member of the CYPSP at both strategic and operational levels and they participate in CYPSP sub groups and outcomes groups.

17. If the CYPSP was to remain the mechanism for drawing up and consulting upon the new plans, then the extent of (and limit to) the remit of the CYPSP would need to be clearly understood and adhered to by its members.
18. While the Department recognises that there is potential to streamline the existing CYPSP implementation structures to enhance efficiency, there is a particular concern that the enhanced role of the HSCB may cut across the remit of Ministers/Departments. This could potentially lead to a scenario where the Department may not be in a position to agree to or progress all actions identified by the HSCB due to other more pressing priorities or budgetary constraints. Such a scenario could place undue pressure on Ministers and their Departments/public bodies and may well be counterproductive to the Bill's overall objective to ensure collaboration in the delivery of children's services.
19. The Department would also note that the focus of Clause 4 appears to be on how public bodies are to co-operate with the HSCB/the Regional Board whilst failing to appropriately recognise that this should be a reciprocal process, i.e. that the Regional Board should ensure that it also co-operates with the ELBs. It would be useful if this could be reflected in the Bill.
20. Furthermore, the amendments under Clause 4 will create additional reporting and monitoring requirements (as already noted in relation to Clause 2) and place further demands on already stretched public bodies.