

FROM THE MINISTER FOR HEALTH,
SOCIAL SERVICES AND PUBLIC SAFETY
Jim Wells MLA



Department of
**Health, Social Services
and Public Safety**

www.dhsspsni.gov.uk

Castle Buildings
Stormont Estate
BELFAST BT4 3SQ
Tel: 028 90 520642
Fax: 028 90 520557
Email: private.office@dhsspsni.gov.uk

Mr Mike Nesbitt MLA
Chair
Committee for the Office of the First Minister and Deputy
First Minister
Room 285
Parliament Buildings
Ballymiscaw
Stormont Estate
BELFAST
BT4 3XX

Our Ref: AGY/223/2015

Date: 21 April 2015

Dear Mike

The Children's Services Co-operation Bill - Committee Stage

Thank you for your letter of 26 March seeking views on the Children's Services Co-Operation Bill.

Clauses 1 - 3

I am generally supportive of the intention and desire to see greater co-operation and collaboration across Government in connection with our individual and collective responsibilities to children and young people. This is consistent with the approach in other jurisdictions, where a statutory duty to co-operate has been placed on Ministers/Departments. However, in Northern Ireland we already have examples of good co-operation and established mechanisms for the delivery of joined up services. This raises the question as to whether introducing a statutory duty is actually necessary and whether doing so is simply adding a further layer of bureaucracy.

Similarly, Departments may already pool funds, and have done so, to deliver shared outcomes. One such example is the Early Intervention Transformation Programme which is managed by my Department. I would therefore question what added value the enabling power included in clause 3 of the Bill will provide.

Clause 4

Clause 4 of Mr Agnew's Bill amends the Children (Northern Ireland) Order 1995 (the Children Order) and relates to the development of a "*Children's and Young People's Services Plan*" by the Health and Social Care Board (HSCB).

In general, this clause has an impact on both the HSCB and also the relevant public bodies that will contribute to the plan and will be expected to deliver against set targets. The public bodies (including some Government Departments) must co-operate with the HSCB and with each other in the preparation, review, implementation and reporting of the plan providing information to the HSCB as requested.

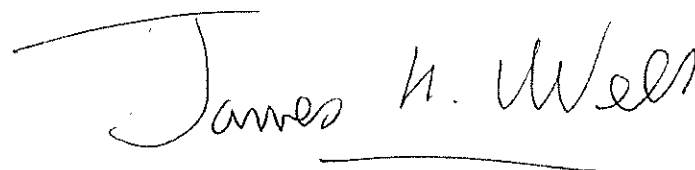
The HSCB must implement the elements of the plan that fall within its responsibilities and monitor the implementation of the plan. The public bodies will also be consulted when the plan is being reviewed, updated or replaced. Within 2 years of the publication of the plan (or revision of the plan), the HSCB must prepare a report on implementation and send the report to my Department, which is required to lay the report before the Assembly as soon as practicably possible.

Mr Agnew has confirmed that the policy intention behind clause 4 is to place the Children and Young People's Strategic Partnership (CYPSP) on a statutory basis. However, I consider that clause 4, as currently drafted, does not achieve that policy aim. I also have concerns, in terms of the powers clause 4 confers on the HSCB. My Department's view is that the proposed amendment to the Children Order could empower the HSCB to have direct influence on a range of public authorities, including agencies and Departments. There could be instances where, for example, the Board cuts across the responsibilities of individual Departments and Ministers, raising issues of democratic accountability.

The powers and duties set out in Schedule 2 to the Children Order are those which are to be placed on "an authority", that is the Health and Social Care Board and, in circumstances of authorisation, a Health and Social Care Trust. In order to place the CYPSP on a statutory basis, powers and duties would have to be placed on more bodies than just the Board to make the provisions effective. For example, in clause 4, new paragraph 2A(8) of Schedule 2 places duties on the "relevant public bodies" in respect of co-operation. There are also various obligations placed on my Department in terms of, for example, laying the HSCB's report on implementation of the Children's and Young People's Plan before the Assembly. These provisions extend beyond the current power to amend Schedule 2, and legal advice is that the current power would be insufficient to place the CYPSP on a statutory basis when the detail of the duties on the HSCB and the relevant bodies are laid down.

I have met with Mr Agnew to discuss his Bill and have indicated that I will be seeking substantial amendments to clause 4, to create standalone provision in the Bill in place of the amendment to Schedule 2 to the Children Order.

My officials have also sought initial views from the HSCB and will undertake more detailed discussions with the HSCB and representatives of the CYPSP at a meeting scheduled for 28 April. My officials are also working closely with OFMDFM officials with a view to addressing any drafting issues.



Jim Wells MLA
Minister for Health Social Services and Public Safety