



## **OFMDFM DELIVERING SOCIAL CHANGE FOR CHILDREN AND YOUNG PEOPLE**

### **Disability Action's Response**

**February 2014**

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## INTRODUCTION

- 1 Disability Action is a pioneering Northern Ireland charity working with and for people with disabilities. We work with our members to provide information, training, transport awareness programmes and representation for people regardless of their disability; whether that is physical, mental, sensory, hidden or learning disability.
- 2 21% of adults and 6% of children in Northern Ireland have a disability and the incidence is higher here than in the rest of the United Kingdom. Over one quarter of all families here are affected
- 3 As a campaigning body, we work to bring about positive change to the social, economic and cultural life of people with disabilities and consequently our entire community. In pursuit of our aims we serve 45,000 people each year.
- 4 Our network of services is provided via our Headquarters in Belfast and in three regional offices in Carrickfergus, Derry and Dungannon.
- 5 Disability Action welcomes the opportunity to respond to this draft and to aid our response has put the relevant page/paragraph of the draft in brackets at the end of our comments.

## SPECIFIC COMMENTARY

- 6 **Disability Action fully endorses Children in Northern Ireland response to the Children's Services Co-operation Bill. As such in the Bill Response pro forma Disability Action would advise that any additional comments are written in bold for ease of reference.**

**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](mailto:committee.ofmdfm@niassembly.gov.uk).

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**I wish for my organisation to be considered for oral evidence sessions in relation to the Committee's scrutiny of the Bill: Yes/No**

Clause	Comments (200 words)
<p data-bbox="188 347 465 384"><b>1. General Duty</b></p> <p data-bbox="188 432 454 512"><b>Please provide comment on:</b></p> <ul data-bbox="188 564 539 1374" style="list-style-type: none"> <li data-bbox="188 564 539 1031">• <b>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</b></li> <li data-bbox="188 1086 539 1374">• <b>The duty on Northern Ireland Departments to co-operate with each other in order to further the achievement</b></li> </ul>	<p data-bbox="580 389 1559 426">Children in Northern Ireland fully support the Children’s Bill.</p> <p data-bbox="580 475 2047 900">The proposed statutory duty to cooperate as a mechanism to ensure better outcomes for children and young people has emerged from a considerable body of evidence and analysis, which finds that current levels of cooperation among departments are based largely on informal relationships between officials, and that this is unlikely to change without a purposeful shift in the manner in which services affecting children and young people are planned and commissioned.<sup>1</sup> The research in particular noted that while there was some evidence of good practice on collaboration at intra-agency level through the work of Children’s Services Planning and the establishment of the Children and Young People’s Strategic Partnership, this was not always replicated at central government level.</p> <p data-bbox="580 949 2047 1203">The Ten Year Children’s Strategy and the six high level outcomes are both robust and well-researched which the Children’s Sector were consulted on these in 2006 and fully supported then and continue to do so. The Ten Year Children and Young People’s Strategy is, without exception, based on improving the lives of all children and young people. While setting out actions for all children, the strategy also contains actions based on targeted services for those children with specific needs.</p> <p data-bbox="580 1252 1995 1374"><b>Disability Action would advise that the 10 Year Strategy for Children and Young People 2006-2016 does not provide a clear definition of “all” children and young people. Disability Action believes until “all” includes children with and young</b></p>

<p><b>of these objectives</b></p> <ul style="list-style-type: none"><li>• <b>The mechanism in place for amending the specified outcomes</b></li></ul>	<p><b>people with disabilities as a mainstream concept departments must ensure that the current barriers faced by children and young people with disabilities and their families and/or carers are separately identified and addressed.</b></p>
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<sup>1</sup> Byrne, B. and Lundy, L. (2011) Barriers to Effective Government Delivery for Children in Northern Ireland 2011, NICCY.

Clause	Comments (200 words)
<p data-bbox="185 269 465 347"><b>2. Co-operation Report</b></p> <p data-bbox="185 400 454 475"><b>Please provide comment on:</b></p> <ul data-bbox="185 531 551 1378" style="list-style-type: none"> <li data-bbox="185 531 551 995">• <b>The requirement for OFMDFM to publish periodically a report on the progress of departments towards achieving the specified outcomes</b></li> <li data-bbox="185 1050 551 1378">• <b>The requirement for other Northern Ireland Departments to co-operate in the preparation and publication of the report</b></li> </ul>	<p data-bbox="575 269 1966 392">There appears to be some confusion from MLAs regarding the reporting process recommended within the Children’s Bill in relation to the Co-operation Report. Some have concerns over this being ‘bureaucratic’ and ‘onerous’.</p> <p data-bbox="575 445 2042 608">We disagree with this conclusion. There are reporting mechanisms already in place which, if amended slightly, would ensure streamline reporting and avoid duplication when reporting on co-operation to achieve the specified outcomes detailed within the Children’s Strategy.</p> <p data-bbox="575 660 2024 823">The following are just two examples of current reporting mechanisms: Progress reports are required from each Government Department on a <b>quarterly basis</b> to report on how they are progressing to achieve the priorities outlined within the Programme for Government.<sup>2</sup></p> <p data-bbox="575 876 2042 999">The Child Poverty Act 2010 requires an <b>annual report</b> to detail the progress which has been made towards fulfilling the statutory duty of eradicating child poverty by 2020. Each Government Department is required to submit reports to OFMDFM.</p> <p data-bbox="575 1051 2042 1254">Our opinion is that the reporting mechanisms outlined within the Children’s Bill should be kept as stated and that those tasked with obtaining progress reports for the Programme for Government and Child Poverty Report are provided with guidance to, at the same time, obtain information on co-operation that has taken place to achieve the 6 high level outcomes within the Children’s Strategy.</p>

	<p><b>Disability Action would recommend that reporting mechanisms include disaggregated information on Section 75 groups in particular detailing whether the specific outcomes for children with disabilities have been achieved.</b></p>
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<sup>2</sup> <http://www.northernireland.gov.uk/index/work-of-the-executive/pfg-budget-economic-strategy/pfg/strategic-online-report-2011-2015.htm>

Clause	Comments (200 words)
<p data-bbox="185 347 450 472"><b>3. Sharing resources and pooling funds</b></p> <p data-bbox="185 517 456 596"><b>Please provide comment on:</b></p> <ul data-bbox="185 651 555 1118" style="list-style-type: none"> <li data-bbox="185 651 555 1118">• <b>The enabling power which will permit Northern Ireland departments to establish pooled budgets and shared resources to achieve the six outcomes in clause 1</b></li> </ul>	<p data-bbox="577 347 2042 687">CiNI fully supports legislation to create an enabling power to permit government departments and agencies to pool budgets and jointly commission services. The manner in which government departments are currently funded creates a number of inhibitors to collaboration and cooperation. The majority of funding is provided and allocated for the delivery of services specific to each department and to meet statutory responsibilities, rather than for achieving outcomes. There are internal administrative and cultural challenges to sharing funds as well, as departments can be territorial about financing, particularly in a time of shrinking budgets.</p> <p data-bbox="577 735 2042 986">Creating a mechanism for pooling budgets would make it easier for departments to share staff and resources, jointly commissioning services, and work collectively towards shared outcomes. Ultimately, a more collaborative approach to resource management should deliver savings through lower levels of duplication, greater investment in prevention rather than in the consequences of problems, and better levels of information sharing among relevant bodies.</p> <p data-bbox="577 1034 2042 1370">There is evidence of good practice in relation to pooling budgets/resources. For example the Delivering Social Change Signature projects have a total value of £58.45 million, which incorporates pooled resources of Executive Departments such as DHSSPS, DE, DEL, DSD and DoJ. The Sharing Resources and Pooling Funds under the Children’s Bill will enhance the work underway and will help achieve better outcomes. In the current economic situation of limited resources a preventative approach and pooling of budgets is important to ensure that limited resources are targeted in a cost effective manner. It is our view that the pooling of budgets and resources to achieve the 6 High Level</p>



Outcomes from the Children's Strategy will, as the then Finance Minister noted, 'Reduce future costs in the context of a tightening budget environment, even beyond the current budget period.'<sup>3</sup>

**Regarding pulled budgets cognisance must be taken of the additional supports and services required for each individual disabled child otherwise (same service to all delivery will result in adverse impact on children with disabilities and their families and carers.)**

3 NI Executive Press Release (2012) available online at <http://www.northernireland.gov.uk/index/media-centre/news-departments/news-dfp/news-releases-dfp-june-2012/news-dfp-260612-executive-agree-allocation.htm>

Clause	Comments (200 words)
<p data-bbox="188 256 517 336"><b>4. Children’s Services Planning</b></p> <p data-bbox="188 384 456 464"><b>Please provide comment on:</b></p> <ul style="list-style-type: none"> <li data-bbox="188 517 539 1198"> <p data-bbox="188 517 539 855">• <b>The requirement for the Health and Social Care Board to review and publish a children and young people’s plan, including:</b></p> <ul style="list-style-type: none"> <li data-bbox="286 863 479 895">○ <b>Content</b></li> <li data-bbox="286 903 539 983">○ <b>Review mechanism</b></li> <li data-bbox="286 991 506 1198">○ <b>Co-operation between public bodies</b></li> </ul> </li> <li data-bbox="188 1251 517 1375"> <p data-bbox="188 1251 517 1375">• <b>The public bodies listed at Clause 4 (7)</b></p> </li> </ul>	<p data-bbox="580 256 2045 719">The requirements contained within the bill are not new. The Health and Social Care Board set up the regional Children and Young People’s Strategic Partnership (CYPSP) which is responsible for the statutory process of Children’s Services Planning and which operates as a cross-sectoral strategic partnership consisting of the leadership of all key agencies who have responsibility for improving outcomes for all children and young people. The agencies represented include health, social services, education, local government, policing and housing, including representatives from the voluntary and community sector. The purpose of the Partnership is to put in place integrated planning and commissioning across agencies and sectors, which is recorded through the Children and Young People’s Plan, aimed at improving wellbeing and the realisation of the rights of children in Northern Ireland. The Bill will ensure this work continues.</p> <p data-bbox="580 772 2045 1375">In respect of specifying public bodies listed at Clause 4, these are bodies that deliver public services. It is important that those bodies are specified to ensure the coordination of the delivery of services to achieve the 6 High Level Outcomes. To ensure greater flexibility if other bodies are identified in future, they can be specified in subordinate legislation without having to introduce new primary legislation. Moreover, we can see no reason for concern regarding the duties placed upon the Health and Social Care Board (HSCB). The HSCB, which was established on 1st April 2009, is <b>directly accountable to the Health Minister for translating his vision for health and social care into a range of services</b>. The HSCB is also required to establish arrangements at a regional and local level that ensures close strategic and operational partnership with key stakeholders both within the HSC sector and wider public sector in <b>meeting the objectives of the Minister</b> as well as overseeing the agreed publication of performance information. The very idea that the Health and Social Care Board could ‘usurp ministerial authority to set policy direction’ is totally unfounded.</p>

- **The duties placed on the Health and Social Care Board particularly with regard to monitoring and reporting**

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

**No**

## **Do you have any other comments? (200 words)**

### **Policy Intent, outcomes and operation**

The policy intent of this Bill is clear – co-operation to achieve the 6 High Level Outcomes within the Children’s Strategy for all children. The Children’s Bill sets out the high-level framework to allow flexibility for Departments to decide upon how they will co-operate with each other. The Bill cannot be a rigid framework. Perhaps guidance in relation to operation would satisfy any issues there may be surrounding operation; draft guidance would give Departments the chance to feed in to how they see the Children’s Bill operating.

**Disability Action supports the guidance in relation to co-operation, however believes that content must be widely consulted on.**

### **Good Policy Making**

As outlined within the OFMDFM Guide to Policy Making<sup>4</sup> it states that, ‘Good policy-making will be based on evidence setting out what the need is and potentially evidence surrounding how best to intervene to meet the need also.’ The evidence is overwhelming that shows Departments do not work in co-operation when it comes to the needs of children and young people. We are concerned therefore that one MLA suggested that ‘we need to consider whether some poor experiences legitimise the need for legislation.’ This goes against the very idea behind the origins of policy making which can come from various sources including evidence, public opinion, as well as from a review of review of existing policies and mechanisms which do not meet the needs of service users.

### **What is it like for parents when government departments fail to co-operate?**

*A Mother with three sons all with special needs comments: "I knew that the statementing process existed, and was difficult to access, but nothing could have prepared me for the colossal battle I have had to endure to get the right support for my sons' special needs. Parents are the ones coping daily with the special needs of our children. Why should we have to also strategically manage the coordinated sharing of information between all the professionals involved with our child? Many parents that I know in similar circumstances gave up their battle*

*simply because they felt they were in a no win situation from the beginning, and couldn't find the emotional stamina required to get through the system. Indeed, if I had not had the support, advice and expertise of the Children's Law Centre, I too would have given up the fight, and my child who is gifted, would have been sitting at home wasting his life."*

Another parent, talks about the strain placed upon her daughter and the family when education and health did not co-operate, stating:

*"It took two years and eight months, a Tribunal, threat of Judicial Review, suffering on my daughter and unbelievable strain placed on us as a family, before she was provided with Physiotherapy in school, which she now receives twice a week. I believe this Bill could have a huge impact in cases like my daughter's. Sadly it is too late for her, she is now in sixth form. Hopefully it will benefit others and her experience of Government departments not working together in the best interests of the child will become a thing of the past."*

<sup>4</sup> <http://www.ofmdfmi.gov.uk/practical-guide-policy-making.pdf>